

MARIO GÓMEZ-ZIMMERMAN

Power to the West!

A Study in Nomocracy

Third Edition

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Mario Gómez-Zimmerman

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*This book is dedicated to
the conscience of all men,
believers and nonbelievers,
rich and poor,
friends and foes.*

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*They do not want to own your fortune,
they want you to lose it;
they do not want to succeed,
they want you to fail;
they do not want to live,
they want you to die ...*

AYN RAND on envy

INTRODUCTION

To tell the truth, the idea for *Power to the West!* preceded the one for *El Salvador: Who Speaks for the People?* But when I sat down to write, the experiences of the war kept impinging on my thoughts, telling me over and over again that the unfortunate events in my native land were concrete examples of the themes I wanted to develop in my writings on political philosophy. It became clear that the first imperative was to present the realities of our struggle. I told myself that if I could render a disalienating portrayal of the events in my country I would then be able to offer the reader the basic ideas underlying that portrayal. Because my first book inspired people who have a high degree of credibility, it was my judgment that I had earned the right to publish the present work. In *El Salvador: Who Speaks for the People?*, I said that honestly-earned wealth had to be respected, but it was impossible to define clearly what was to be understood as such since that required delving into fundamental matters of right and human nature.

Naturally, accusations of *fascism* and such are to be expected by anyone who defends rights at the level of the individual, but it can be irrefutably demonstrated that this conception of rights is the one that really protects the interests of the people. It is not precisely a raging mob, but the best in each individual which brings out the best in people. And we had better not even discuss the accusations made against those who find themselves forced to take up arms in defense of their most sacred rights and values.

This book is consecrated to the rescue of the true capitalist ideology, and its frankness may be unpleasant to those who would block the sun with a thumb. Many take offense these days at the mere support of individual rights, even when it is high-minded and respectful. But they blithely expect those who disagree to smile graciously when they are vilely accused and slandered as murderers, thieves, opportunists, exploiters, despots, self-interested, insensitive, and genocidal, among many other things. Unfortunately, the ideological attack against capitalism is of such magnitude that many are even grateful at such accusations: they almost believe they deserve public opprobrium and the execution squad. They feel dishonored, unworthy and forlorn, but they lack the courage either to support what they truly believe or to embrace the cause of the enemy.

That is what I saw at a dinner I attended at the home of some *bourgeois* friends. The Jesuit priest of obvious left-wing ideology was scolding those in attendance with the usual slogans. Everyone listened with their heads bowed, all helplessness and resignation, and although this priest seemed more open to argument than others he deserved being told a few truths. I was finally moved to intervene, and posed a number of sharp questions to which he tried to reply by resorting to more of the mentioned slogans. The debate promised to be provocative, but it did not last. One of those present came to the rescue of the priest and proceeded to concur, without even realizing it, that all of us there were thieves, opportunists, exploiters, and so on. I therefore chose to steer away from the subject, unhappy in the conviction that the confused will not accept a hand stretched out to them from a high plain of ideology: they will cling to the ledge of disinformation built for them over the years. It has become necessary to start from the very basics, by explaining the term people even. Otherwise the word cannot be used: it has already been conveniently altered to exclude some groups from its true meaning. But the episode was greatly instrumental in helping me realize that the work I was planning had to be eminently didactic. I devoted myself then to provide the reader with the

basic foundation he needed in order to understand the propositions, and what was lost in brevity was gained in completeness, in clarity, and in continuity.

It is disappointing to contemplate where all this has brought us, even to the extreme of rejecting and being ashamed of what previous generations built honorably with their sweat and blood. This must be defended no matter what the sacrifice, from whatever platform, and at every instance. We must not be like the familiar figure of the businessman who speaks out against the alleged injustices of the system, all the while taking advantage of every opportunity to enrich himself.

The above considerations, and the fact that optimally capitalism can only be understood in light of its antithesis, led me to analyze some works representative par excellence of the ideologies which in one way or another deny recognition to personal merit, all so that the common man—generally unable to challenge the ideas which animate their principles—may realize the fallacies they are based on and reject them in a definitive manner, be these fallacies incorporated in Marxism or in any similar ideology. The fundamental task of this work will not be that, however, but rather to forge an adequate understanding of capitalist doctrine. Let us remember that capitalism may meet economic failure just like the Communist world did—a possibility which would induce pragmatists to argue that capitalism is also an inadequate system. What is crucial, I believe, is to provide the reader with a logic of natural right and economics, so neglected today. Analyzing the pure economic fact is beyond my area of expertise. This work attempts only to reformulate that fact according to certain higher parameters of judgment, preparing the ground for later and more specific studies on the subject.

Many left-wing liberal professors have become notorious uttering insulting epithets full of anger and indignation against alleged or real right-wing despotic regimes in the Third World. However, even though they claim not to favor the establishment of Communist regimes in place of the former, they have yet to speak out firmly and unequivocally

against the latter. At bottom they believe that the communist mentality—which flourishes in the region to this day despite the collapse of the ideological metropolis—is the product of social injustice rather than envy and hate. The continuous rejection experienced by communism in what used to be the Soviet Empire—despite the massive machinery of oppression set up in an attempt to make the people accept state doctrine—confirmed that from the humanistic point of view Marxism was a heresy, an aberration, and an insult to human dignity, values and rights. It also showed that intellectually Marxism was an idiocy, and that it proved to be deceptive and tyrannical in practice. Yet today we are expected not only to be patient but to render all respect and even credibility to the opinions of those who to this day espouse the same Marxist tenets, only presenting them as socialist or humanist, and who thereby advocate a radical change in our values. Communism is no utopia; it is a necessary enemy (transcending all circumstances), the ideological crystallization of irrationality, unlike some historic forms of totalitarianism which arose at least in part from ignorance, obscurantism, superstition, or even overzealousness in the service of a good cause.

And many seek to ingratiate themselves with certain groups and daydream of becoming champions of the democratization of the Third World by supporting *anti-oligarchic* socialist measures. The reader will also find in this book why such an illusion is dangerous to freedom, as well as why the outcome is the opposite of the one sought. Once one learns to justify despoilment, an attitude of ill will is created which is directed against anywhere progress is observed, thus internationalizing envy. This book is also devoted to the defense of the exploited and the oppressed, but as it should be: never with such sad and defeatist slogans as a *need for change* or *redistribute the wealth*, but with one which has never been topped as the supreme expression of justice, "To each according to what he deserves." Of course, in order to learn what each one deserves—or rather to learn what I think on the matter—one must read this book.

The above saying presupposes inequality, it is true, but not unequal treatment. This work rejects all socializing attempts at evening out natural differences between men as unjust and counterproductive. I am also against the statist mentality which always accompanies these attempts, especially when it resorts to base excuses such as declaring the coveted property or wealth to be national patrimony (although in the best application of the term and with few exceptions, national patrimony belongs to the individuals which form each group) or pretending that demagogic measures intended to favor certain sectors are really for the common good. To a communist, all property is stolen, and its possessors are usurpers. To a socialist, property is a *functional value*, and its possessors are agents or employees of the group. To a capitalist, property is a right, and its possessors are simply owners. Reaffirming in new ways that the last interpretation is the true one and the only one with moral content, is a worthy goal. Not in order to persuade those whose minds are closed because they have been filled with anti-concepts, but in order to strengthen the pillars which support this interpretation and to help the undecided to make the right choice.

The title, *Power to the West!*, is an exhortation to the West, not a rejection of the East. The Oriental mind, adapted to its environmental reality, identifies at bottom with Western values. We only reject here the political visions which deny legitimate ways of human fulfillment. The title expresses my admiration for the two pillars which have fostered the progress of our civilization: democracy and the Christian faith. I am satisfied that chapter thirteen's brief inquiry into the doctrine and praxis of our faith achieved something of great value: the identification of a principle common to both capitalism and Christianity (and to all religion in general) which is reflected in human law. Establishing the validity of my argument also required some discussion of general philosophy, as well as of the nature and basis of human behavior. It is obvious, however, that a complete theoretical study of such matters merits a separate volume. Some said that the scope of the book was too wide, and advised me to switch the order and write on those

subjects first. But although I was forced to set many bases, ideology is the single and overall scope here. And I felt that the first task could wait; not so this one. Neither is this the place to probe into the influence of education and other factors on the forging of each culture or particular situation. What matters most here is to integrate the various ideological topics in a formal manner consistent with a rationally moral and humanistic perspective, a job which I believe was up to now only halfway done, particularly with respect to an important goal: to fight Marxist tenets in their own ideological field. This has been achieved through a new dialectical conception, the *nomocratic dialectics of society*, which in addition avoids the shortcomings of liberal capitalism. I had planned to approach this subject in a future work, but later it seemed better to take advantage of the already existing basis in the present book, which has resulted in a geometric improvement of its theses. To that end, I have tried to substitute all the less relevant or superfluous material for that of dialectical ideological content. However, the outline that I can offer through the regular text is still limited, for which reason I also had in mind to add an appendix. But after I finished the revision, this seemed unnecessary on the one hand and wanting on the other, so I am now working in a new book, wherewith I will be able to expose my naturalist-objectivist tenets to their full extent. I have not, of course, originated the ideas presented here nor am I their best exponent. But like a midget sitting on the shoulders of giants, I hope to be able to provide the reader with a somewhat wider vision of the same ideological horizon which others have so excellently depicted.

Despite my devotion for democracy, I defend the principle which animates it rather than its decision-making machinery. I have attempted to facilitate a clear understanding of this point and its reason for being because it is an important element of my thesis. Unlimited democracy is a form of tyranny. Man must build his social edifice on the basis of principles which are fundamentally ethical in nature, and which no one is exempt from obeying because they are intrinsic to his nature. An adequate understanding of human

nature prevents us from falling into prejudices so fashionable today as, for example, the one that deems democracy to be an absolute and the only conceivable legitimate form for decision-making. Ayn Rand warned repeatedly against such a prejudice. I hope to help the reader realize the dangers it involves. Too frequently we forget that the political constitutions of democratic states are mainly designed to limit the powers of government and therefore also those of the majorities who vote it in, which are forbidden to go beyond certain limitations. I value democracy as the best suited form of government for today's world, but all kinds of outrages may be committed in its name. I am against any principle, doctrine, system or practice which permits the abuse of the rights of even a single individual. There are things which are simply not to be decided by majority vote.

This is a book of principles, of absolute principles, which of course do not originate with me. Man does not wish to hear talk of such principles because he does not want to obey his nature. He would rather feel free to do whatever he desires to do, both on the individual and on the social levels if he has a group large enough to back him up. He claims that absolute principles lead to tyranny, a very limited perception which does not take a fundamental factor into account, which is the nature of such principles. I want to make clear, however, that within the boundaries of this work the expression "absolute principles" stands for the ideal, for everlasting purposes and goals, for what is always valid in the higher cultural and historical processes and contexts, not for something which must be applied to the letter at every opportunity. When the principles fulfill human nature, justice flourishes. When such principles are absent, the outcome is the loss of values, decadence, and a true tendency to tyranny, because everyone then creates anti-concepts which replace the truth. The Church is the institution par excellence to devote itself to preventing such an outcome. Not through a despotic and totalitarian exercise of power, as has sadly happened, but rather through teaching man to love the positive and fundamental values of his nature. The Church is supposed to defend permanent principles, and

is therefore incapable of changing its views on fundamental matters from one day to the next.

The Catholic Church has, throughout the centuries, been faithful to most of its fundamental principles. Pius XI even said in an encyclical that communism was intrinsically evil and no Christian would be permitted to support it in any way whatsoever. How is it, then, that things have changed so much at the heart of certain religious orders? Not only have dogma and hierarchical order been lost but the faithful are faced with a dilemma, not knowing what or in whom to believe. Should we perhaps believe that good and evil change according to the times? Should we wait and trust that what is condemned today may be accepted tomorrow on the basis of some arbitrary reinterpretation of the sacred texts? Or should we accept the millennial and fundamentalist interpretation of the word of God? This work will help the reader resolve such questions.

This book cannot but go to the defense of faith: the men of libertarian spirit are powerless, especially because they lack faith in what is theirs and are unable to appreciate the cause they inherited. Western man refuses to ponder and discover the most basic commandments of his nature, and relies instead on statistics and electoral contests to show him the way. To him, these are objective indicators of what is right, and thus he accepts that the fundamental principles on which every rational social order rests may even be modified according to the dictates of fashion. Or even worse, he tends to accept anything and everything, and a society which accepts everything is not tolerant and democratic but rather has gone astray and is lacking in values. I hope to show the reader authentic proof that the individualist notion of right represents the natural ideology par excellence to the species. I also hope to prove throughout the book that this system of thought and guide to action does not imply *laissez-faire*ism or the neglect of social needs in any way.

Here, contrary to the mere emotional concepts of justice proclaimed by socialism, the reader will find the objective reasons which demand an integration of the group and the individual. Unfortunately, as neo-liberal economists do, capitalism

tends to be equated with unrestricted trading practices which easily become exploitative mechanisms. So much so that I was almost moved to choose a different nomen to designate it. But since that is unnecessary if the distortion is corrected, I decided to stick to the usual terminology, keeping in mind, above all, that it best encompasses all the relevant historical content and best projects itself into praxis. And praxis means rational action or operative mechanism consistent with the doctrinal moment, therefore concretely embodying the doctrine, and that, at the right moment, may mean combat.

I have deliberately omitted discussion of such things as the existence of conspiracies designed to achieve world domination, except for brief mentions when the nature of the argument required it. This is partly because I am mainly interested in the ideological debate. I do not know how much truth there may be in such assertions, and those who are interested will find a multitude of sources for consultation. For my aims, what is important is to increase awareness of the value of the fundamental policies I propose. Such conspiracies, if they are as portrayed, would also be dangerous to freedom, but I believe they would lack the ideological basis to make their discussion worthwhile. Should they possess such a basis, it would probably have a socialist bent, and socialism will be a subject of our concern. Besides, many of the people involved may have joined simply out of humanistic motivations, which would justify hopes of good outcomes. The difference with known anti-individualist ideologies is that the latter are a product of totalitarian dispositions, and that these ideologies are capable of persuading and obtaining adherents at every level, representing in themselves and in practice an express threat to human fulfillment.

Nevertheless, and I want to make this quite clear, I am not about to judge as despicable someone who is incapable of understanding the truth. I only have that right when it comes to either the doctrines themselves or those whose words and actions reflect visceral hate and a total inability to empathize with those they consider their class enemies. I am convinced that, even though freedom-minded men justly feel that rea-

son is on their side, they must be understanding and humble enough to realize they are not perfect and infallible either. That is why this book also tries to build a bridge of honorable compromise between men. Unlike the above-mentioned I do not in any way attempt to incite indiscriminate hate. I advocate, rather, that we get to know them through their ideas in order to rightly fear and distrust them, and better yet, in order to try to open their eyes and move them to reflect on their errors.

Thus, if whoever considers us the enemy has a change of heart and extends his hand in friendship, we must be cautious but not summarily reject it. Men of libertarian spirit are peaceloving and would rather not make war the means to peace. But, if we mean to act honorably, and if aggression against our allies were to be renewed, we will have to join in their defense as one, ready for any sacrifice in the certainty that we carry the standard of truth. The strength of the opponent cannot be a reason to change such a goal. Only the strategy for victory can be changed. But many today would erase the word "victory" from the vocabulary, and replace it with empty terms such as flexible policies, pluralistic government, or the search for a negotiated solution, which really imply unilateral concessions. Decadent concepts all, most of the time, valid only in diplomatic parlance.

The struggle still going on in El Salvador, and Latin America in general, is a battle of a prospective World War where the inherited values are being defended for us all. Nobody can turn his back on that reality without some day having to respond to his conscience. Peoples such as mine have offered their blood, not only for themselves but also for the sake of solidarity, in full awareness that their struggle transcends their borders and that they sacrifice themselves for others. The man of libertarian spirit has a mission that cannot be limited to his enterprises, his family and his nation at this historical moment. His mission must extend to all the corners of the earth in order to defend the inalienable rights of every individual. It is also high time that capitalists put fully into practice the principle which animates their cause.

Only then may the honorable and lasting peace we all long for flourish. Through the reading of this book the reader will understand the real reason for the struggle in several parts of the world. He will also realize how those who deem the person the fundamental object of right actually demand what others also have the right to demand for themselves, without resorting to any statist scheme, and he will become aware of the disastrous consequences of not confronting the challenges of the times.

The willingness to take on exaggerated blame, typical of the left-wing pacifists of today, is not only a reflection of personality problems. It goes against history. The other side has been listened to enough. It is now time for free men to pay the same attention to the words of those who love and admire their peoples and their own great traditions. We must be clear that two adversaries cannot be considered equal solely on the basis that they both brandish swords: a triumph of the forces supporting capitalism opens the road to a better future, a Communist triumph leads to slavery. Therein lies the difference.

Power to the West! demands of capitalist man total commitment to an ideological cause and a mission which is of a fundamentalist character, yet not intolerant. That is this work's primary reason for being, and one which the reader will find on each and every line.

* * *

At the time of the previous editions, and as it can be seen in the former introduction, since I was motivated by the need to defend the assault on the capitalist system by the communists, I missed to point sufficiently their motivation, which has become clear with fall of the Soviet Empire. In fact, the Russian people who supported the communist movement did not have any other choice, in view of their unjust suffering. But their nobility and their authentic sense of justice has become clear nowadays. The same can be said about other peoples and of most communists. This must be taken advantage of to promote an approach, a mutual respect and secure a lasting peace.

This may be a time for optimism. Still, as the exploiters of the poor have not learned the lesson, as happened in my country where the people had to vote the communist party into power, and since radical communists will always be there, we must keep stressing the need to understand and to embrace the real principles of justice, which is the aim of this work and which I will reinforce in my new one. There is a danger that the reduction of tensions might make us drop our guard. We dare not forget that it was the policy of creating a viable military option which made victory in the cold war possible. We hear that communism is now a thing of the past, but it may be too early to assume it no longer has a future. Even if communism is no more than a particular expression of the anti-individualist ideological attitude, the influence of its principles on various social forces is still the most important challenge of our times. I deemed it proper, therefore, to retain communism as the prototype of the enemy to vanquish: we have seen the statues come down, not the sculptors. The advantage of that is that the historical moment over which this book develops its topic is the most representative example yet to have occurred (of the struggle between the natural and the anti-natural ideologies) that is available for future generations, who will find the message of *Power to the West!* always actual and powerful. In the meantime, we must keep striving to forge the man of ideology which the cause of freedom requires, perhaps more pressingly now behind what used to be the Iron Curtain and in the Third World. This we must do for the ages: although we do not know who will be the protagonists of conflicts in the world to come, we can be sure that envy will always find novel ideological frameworks to justify itself, and the enemies of freedom will never disappear. And if they are definitely the ones who stand to benefit from *détente*, then we need even more urgently to open our eyes. Because it may someday be too late for military and economic resources to ensure freedom, but it will never be too late for the truth.

Part One
Of Gods and Men

CHAPTER I

SOME CONSIDERATIONS ON SOCIAL HUMAN NATURE

Is capitalism necessarily better than socialism? Why is the individual the fundamental object of right? We cannot answer these questions until and unless we know how capitalism fulfills man's social and political nature, and socialism and statist systems do not. No way of life is acceptable unless it provides intrinsic peaceful solutions to the conflicts which inevitably arise among men, solutions which must be objectively just. What is just and what is not lends itself to differing interpretations. The most adequate system, we might then aver, will be the one most in accord with an inherent sense of fairness in human nature. In order to know what is such a thing, however, we must begin our study at the roots. Let us start, then, with the basic concepts.

A contemporary approach to natural law

The meaning and concepts of natural law have been systematically denied for some time. In fact, even the possibility of identifying in reality something which can be labeled natural law has been denied. To the classics, such as Plato, natural law referred to a system of law and justice applicable to all human beings. It is thus different from positive law, which applies the rules formally. In time, Christian theologians and scholastic thinkers became the main theorists on natural law.

One of the problems encountered with conventional conceptions of natural law has been their lack of integration to the philosophy of nature or its integration to an inadequate one. That has often led to a search for foundational resources in divine revelation, to wit Saint Augustine, which gives rise to the considerations posed by the existence of a superior Will with respect to the human freedom of choice; all this without taking into account that such a theory would require proof of the existence of God before it could be considered valid. This is not to say that a naturalist is bound to perceive the world from a materialist point of view, as is generally assumed. By nature I understand every instance of Being as it manifests in the spatio-temporal plane. This concept does not necessarily exclude the existence of other planes of reality such as the spiritual, except that it does not require it for the purpose of speculation.

What, then, are we to understand by natural law? The concept is predicated on the fact that we identify everything that exists according to certain patterns of behavior, structure or manifestation of its own—the opposite would imply the impossibility for distinguishing one thing from another. In this context, natural law takes as referential points all phenomena in this universe, and constitutes the first joint logical derivation of the existence and identity axioms: since A is A, it must express itself as A. The laws discovered or formulated by men thus are the result of the identification of a characteristic and necessary pattern of manifestation or of a certain order—in the sense of a definite structural or functional relationship between facts or elements of nature, not in the sense of a deliberate disposition with a specific purpose or function in mind—in a given realm of reality. All behavior, whether of men or of particles, represents the development of the potentialities of nature globally or specifically considered. Although we refer to normation in daily speech, nature is determined by itself, and laws only state the universality of its form of expression. This holds true from mechanist arrangements or configurations to the structures with a content of truth which appear with man. Laws reveal the intelligibility of specifications of the basic fact known as cause-effect, events and phenomena being the same physical, biological, rational and other substrata in the process

of determining themselves, that is, in the context of the becoming. Natural law will exhibit, then, as many specifications and subspecifications as manifestational categories originate in the constituent substrata.

Inorganic matter obeys laws of physics and chemistry. When life appears, matter obeys the laws of biology, which cannot be explained by or reduced to the former. When reasoning and human consciousness (different from that of lower stages as it entails consciousness of the process of awareness and the evaluation of its own contents) appear with the emergence of man, this new organization of matter, still bound to previously mentioned laws, becomes capable of knowing the truth and now obeys mainly those laws derived from ethical, esthetics, utilitarian and other value judgments, with the priority on ethics. This view of man values ethics greatly, and explains what is human by means of parameters which are specific to that level and transcend—through some sort of exponential elevation or expression of some level of energy—lower levels of organization.

There are enormous differences between the various theories of materialism: the concept of a mere mechanistic superorganization of matter is quite distinct from that which deems matter capable (as a result of an emergent evolution) of searching for its own truth and of choosing between good and evil.¹ How what is human is organized out of matter is a difficult problem to tackle, and science must advance a great deal before it can begin to solve it. But even if we can rely on science to give us the answers in that context, we cannot limit such answers to constructs based on the properties of less evolved matter if we want to be methodologically rigorous. Man is a new reality, and as such, has its own special properties which define his nature and compel him to behave in a characteristic manner which constitutes his natural law.

Many (neo-positivists within the school of linguistic analysis, for instance) will deny the existence of such laws because—since at the most important level of reference they have a lot to do with moral premises—they will say that their verification is impossible: they *lack meaning* or they are *linguistic conventions*. However, they are unable to explain the *raison d'être* of these conventions, and would have us demon-

strate moral truths by means of criteria which apply to inferior realities. In the same way the existence of living beings allows us to make factually meaningful statements about life, the existence of beings who possess a moral nature permits us to make such statements in regard to morality. It is commonplace today to assert that moral facts and concepts can neither be found in nor derived from nature. This excludes from nature certain manifestations only because they do not fall within the sphere of common-sense scientific lore. The evaluation that man makes of his own conduct immediately establishes the objective existence of moral facts, which are just like other facts of nature, except that "they do not have direct referents on the perceptual level of awareness" (Ayn Rand), so grasping them requires their integration with other concepts. And once moral facts are identified and conceptualized, moral rules flow from them like any other natural law—note three is somewhat illustrative on this matter. At least in one area, we will also show that there is a clear validation derived from logic and experience for ethical premises. In Ayn Rand's objectivist epistemology, logic is the art of non-contradictory identification. Based on the fact that the expressions of an entity relate to its nature, which can be logically identified, her tenets show better than others which fail to offer criteria of truth, that the distinction between analytical and synthetic propositions, like the distinction between logical and factual verification, is untenable—logical laws are said to be limited to the structure or form of our thoughts, despite that the logical elements (concepts) must have a referent in reality, and that no logical principles can be conceived without an ontological basis—as well as what man defines is not words but concepts, and these in turn point out reality (within the context sketched on pages 42 and 81, and provided a precise and unified use of language). All arguments held by analytical linguistics (of neo-positivist bent) and related philosophies in this respect are refuted as soon as we understand that every fact acquires its own ontological connotations, matching the level of emergence on which it rests. So-called linguistic conventions are natural laws and facts which contain (the emergent factor) reason-selfconsciousness as an integral element, from which integration their moral character is derived.

A number of reformulations of the theme of (moral) natural law have appeared in recent years—such as in *Christian Moral Principles* and other works by Germain Grisez, and *Natural Law and Natural Rights* by John Finnis—which have not, however, tackled the key questions: Is there or is there not an objectively normative form of expression of matter, or reality, in the evolutionary process? And is morality that expression? Elaborating on such a vast subject is an undertaking for another book, although the analysis in note one enables us to glimpse a positive answer as the most rational one. Ethical or moral laws are to good and evil what physical laws are to the forces of nature, just on different levels of emergence. Moral laws describe the universality of the form of expression of certain requirements of the human psyche. The necessity or validity of the former in a hypothetical absence of moral events is due to the ideative display of such events as possibilities of the spirit. The postulated *a priori* formal determination of moral law is, from the perspective of a naturalist epistemology, and as we explain ahead, the intelligible moment behind instances of the law of identity manifested factually in the existential attitude assumed by man before the value disjunctions presented to him by his (self) conscious nature.

The view of natural law which is most debated these days in Western intellectual circles attempts to disregard the philosophy of nature and to rest on sheer principles of practical rationality, thus constituting only an axiology which fails to ground itself in reason or conscience as a principle of nature or an element of matter at the highest level of emergence (hereafter to be referred to as the emergent level). We can refer to a moral natural law as long as we consider it a specific form of the general natural law of reality. Every theory on this subject—such as modern ethical constructs which dispense with ontology—which fails to relate and integrate what is moral to nature, and then to Being, will confront and fail to resolve the question of whether morality is no more than a social convention. It is not that such constructs and propositions of natural law are incapable of leading to beneficial tenets, just that they are based entirely on intuition, and are therefore less complete. We stand definitely against and refute the sophists—precursors of the general feeling of the times on this sub-

ject—because arbitrariness is truly contrary to natural law, in the highest expressions of the latter.

Grisez ascribes two aspects to natural law, a pre-moral and a moral one. The first is determined by the relation between human goods and the Thomist first principle of practical reason (FPPR)—which states that good must be sought and evil avoided—and the second one through the *modes of obligation* toward goods, so that we are forced to choose or favor those possibilities which facilitate integral human fulfillment—the so-called first principle of morality (FPM). The pre-moral quality of the FPPR is debatable, even though as a mere formalization it could serve as a basis for immoral choices and their rationalization. It would seem, however, that the FPPR in itself contains the requirement of the FPM to opt for those possibilities which lead to or are compatible with a will toward integral human fulfillment (for our purposes, the common good), because this is a consequence of doing good and shunning evil. Obviously I am not talking here of a principle about merely sensible connotations of good—which only determine its biological, psychological or practical desirability—but rather about its connotations at the emergent level (the intelligible ones), which determine its rational desirability. Now, as practical reason is no more than speculative reason in terms of the will, we can integrate the FPPR with the existential disposition toward action (*praxis*). Quoting verbatim, the FPM reads thus: “In voluntary acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with a will toward integral human fulfillment.” This principle adds a more elaborate choice to the FPPR, but the terms of the latter, in the orthopraxical context, override any immoral choice. Thus, a rational desirability will not work against the attainment of the common good. I see no compelling reason to postulate such a fundamental qualitative dichotomy between the FPPR and the FPM, since both depend on the same innate vocation of the spirit, which I call *the moral feeling*. Their statements differ merely in function of the intelligible moment of moral normativity we wish to focus on. But since the FPPR could also refer to the goods in general, we will keep the distinction.

What is morally good consists in consciously acting according to certain requirements of nature conducive to human fulfillment, choosing freely among alternatives, but in the last analysis it is identified less with an end, an action, a result or a choice than with a content of value, a concern for the others, and with a duty-bound state of the spirit, the latter understood here as the principle of psychic activity. Whether such a state constitutes a mere link in a fatalistic causal chain, or whether on the contrary it possesses a self-determining capacity somehow independent of the efficient factors which lead to its constitution, is a matter for continuing debate. I favor the last possibility, which constitutes, as explained in note six, what could be termed *existential*. As opposing feelings or tendencies are innate in man and not the ultimate determinants of action, it seems plausible to limit morality to the making of a choice. But the moral content here lies on the judgments of conscience guiding choice, which are in turn forged according to our existential identity. Thus, irrespectively of how far back we carry choice and the concurrence of the will as vehicles of moral action and shapers of the moral character, these will always be based on a previous, yet renewed by each experience, position and disposition of the spirit (toward the world) which—given that it would constitute a self-guiding psychic element with power to shape our specific motivations, our goals and our actions—can only be called moral, leading necessarily and intrinsically to morally good or evil choices.² All of the above explains why ethical norms are accepted less by their intellection than through their attunement with our fundamental spiritual disposition. Grisez, in particular, wants to rescue the practical creative operations of reason as the way to achieve human fulfillment—hereafter to be also known as self-fulfillment—although more by the way of choosing than by choosing itself. Thus, all that rests is to exclude arbitrariness by subjecting the will to realizing what is given rationally in nature, which points out where truth lies, freedom consisting in choosing voluntarily what our spirit demands, which is in turn an objective determination of nature (see number 3 ahead). Consistent with the principles of this work, what is pre-moral would simply be what reaches a limited degree of emergent evolution, in which case the relation between man

and goods is exhausted at the biological level. And what is moral would be what reaches reason self-consciousness, with the reservation that value judgments and prescriptions for human conduct —although always including spheres of self-respect—are fundamentally seen as extrapolating our own fulfillment to the others; in other words, as belonging in the social realm. In all this, we oppose any discontinuity between duties and natural ends, as well as between judgments of conscience and nature's substrata, the latter including what we put in the world.

Now then, we can study ethical values from different angles. But we are only interested here in two materialist points of view: 1) that which defines them as simple response phenomena to internal and external stimuli, without any meaning beyond mechanist considerations, and 2) that which sees them as manifestations of highly creative events in matter, conscience more than the human brain in this case, and therefore highly meaningful. The first appreciation is based on the acritical physics of the nineteenth century. The second is the point of view of certain theories of materialism, emergent materialism in particular.

Metaphysically, moral phenomena are objective realities because they are independent of any particular perceiver's consciousness. That is, while originating in a conscious evaluation made by the subject, they make up a sphere of reality which is not an imaginary construct of the mind but an ontological necessity of the phenomenon of consciousness in relation to an aspect of the world, and, therefore, as authentic as any other manifestation of nature: subjective determination constitutes the most indispensable objective element of the ethical phenomenon. Epistemologically, when a sensorial perception of input from the external world is involved, it is necessary for what is *given* (the material yet to be processed by the subject) to be represented if it is to become understood. To some, this process is bound to result in a misinterpretation of reality, although man has in the unit logic-reason (and in science) a provider of trans-subjective parameters to the experience for refining what he himself contributes to the act of knowing. But, in the moral realm, nothing constitutional stands between being—a psycho-existential state—and know-

ing which might result in an inaccurate portrayal of reality. Moral facts reveal dispositions of the spirit in what is open to its choice in relation to good and evil, identifiable with the very contents of consciousness generated when the will addresses things as possibilities of action, so that their awareness turns out to be a straightforward, realistic experience. Obviously, psychological states may be existentially distorted, so they must accord with reason (or ideal conscience) in order to represent moral truth. I will work here within the confines of a neo-classical version of natural law, whose formal systematization results from the intelligibility of the spectrum where what is moral plays a determinant role, as follows:

1) Natural but emergent. That is, moral manifestations occur as expressions of the potentialities of matter in its highest state of evolution, thus shattering the dichotomy between the natural and the artificial—and therefore between *physis* and *nomos*. Thus no vacuum is created between natural law and the philosophy of nature, and there is solid ground for differentiating between the moral and the pre-moral.

2) Absolute but praxical in expression. This is not to say that every moral tenet, value or criterion requires compliance in every instance, but that exceptions constitute specifications of an absolute moral norm and extrapolations of an absolute moral moment (what is always followed by the spirit at its highest); the text should be self-explanatory. By praxis I mean emergent-level categories (truth, goals, values) realized in terms of a particular existential moment of the self. Strictly, that refers to a doctrinal tenet or an axiological paradigm made concrete through conscious and purposeful action, and to the realizing act itself—although not limited to the mere action, but including its intelligibility as integrated with its determinants—more loosely to the methods, instruments and material creations which objectify a spiritual disposition. We may include here some other realizing acts such as life-promoting behavior and the knowledge of truth, but remembering that they either correlate to facts rather than to truth, or need the complement of further intention. Praxis may also be contemplated and prescribed from theoretical doctrinal moments, even though the former is more properly seen as the in-the-world mode of doctrinal truth or proposition. Our intent

in this work will be to establish that right, as a moral reality, merely exhibits a gamut of expression, never negating its essence. The existing differences, in terms of idiosyncrasy, epoch-related knowledge, historical circumstances, environmental pressures, and spiritual evolution, will not allow for the fulfillment in everyone of the highest doctrinal moment—the realization of an ideal value, for instance—which must therefore be pursued in accordance with the possibilities present in the specific historico-existential state. Still, for each one of those situations that moment or value is *hypostasized* (reflected in descending hierarchy in a sort of genus to species relationship), creating a *praxical spectrum of truth*, thus transcending moral relativism (the use of the term truth can be found in note eight). Most moral norms admit exceptions as the result of specifications of basic principles, which point out orthopraxis. But what is praxical,* demands absolute fulfillment. The same is true with respect to doctrinal realization in social situations—when entering a social pact, for instance. Let us add that what is false, not only what is true, also manifests itself praxically—in the realization of the precepts of an immoral doctrine, for example.

3) Necessary but only in the rational context. This criterion is very much related to the first two, the emphasis here being on the conformity of actual human behavior with that demanded by its intelligibility or with a presumed pristine spiritual inclination towards good. This *existential truth* constitutes the bridge between the *is* and the *ought*. Because both refer to what occurs in nature as a constant rational (or ideal) manifestation—the *is* as the descriptive and the *ought* as the normative moment of a unit with a content of truth—not to the products of irrational or low-evolved spirits, which are necessary only in the field of the phenomenal. What is moral is thus properly integrated with nature, precluding arbitrariness in moral conceptualization and choice. The will only qualifies as a valid instrument when it attains the *is* as a concrete reality based on the *ought*. It must be clear why Grisez's critique of this aspect of natural law is irrelevant. He assumes a logi-

**Editorial note:* For lack of appropriate words, the author creates adjectival and others grammatical forms out of proper nouns, and vice versa, in order to convey better some ideas.

cal flaw in the act of deriving what is to be chosen (normative premise) from a given fact of nature lacking in any normative content (descriptive premise). Let us remember, however, that every (pre-moral) instance of good or evil prompts an existential attitude and actions with affinity towards either of the former; and that this ground, moral in itself, constitutes the subject matter for a moral judgment. At any of these levels of description, the end result is a normative premise. In other words, categorizing a behavior or action as good or bad gives rise to normative inferences which can be elicited even further back in the conceptual determinants which allow us to categorize the behavior or action in the first place.³ Conversely, positivists are right in pointing the mainly motivational character of moral norms. What they disregard is the cognitive role of the concepts upon which such norms are constructed, and that emotions can also constitute objective determinants of moral law.

And 4) Dialectical (or, better yet, integrating or generating a dialectical situation) but affirmative. By dialectical I mean an intrinsic state of logical and existential opposition or polarity whose referents are fully intelligible only in terms of each other, and which demands a solution through an *integrative-in-positiveness* estimate of the truth or value contents of the facts involved. I restrict the term to the realm of values; and here, in the logical interdependence every moral situation implies—every possibility or realization of an action moral in itself or subject to a moral judgment, creates an antithetical situation between right and wrong entitlement and duty, or permission (allowance) and restriction—each aspect of reality involved is self-substantive in regard to the other, that is, that it does not negate itself in formal nor in existential terms towards the achievement of a joint solution. This criterion becomes especially relevant in the matter of right since it allows us to bring about a synthesis which does not require negating self-support to any single unit of right. For the naturalist position, the term negation never implies a lack of existential and logical authenticity for each polar entity separately considered, because the suppression of one pole does not necessarily lead to that of the other, and because their distinct initial cognition in the learning process. For example, love—for those who avouch the existence of dialectics in plain

nature—is not understandable from the negation of hate, but as a different, self-sustaining drive. This does not entail an atomistic intelligibility of the polar elements, since their full meaning and display is conditioned by an existing opposing fact of reality and by their integration within a whole. This mediation, however, is a universal fact given that all knowledge is contextual.

Dialectics shows us two aspects: the formal and the concrete. The former would correspond to the intelligibility of the moral phenomenon in itself, and the latter to the actual conflicting situation. Dialectics would not be properly embodied in physical and by-absence antagonisms. Such an arrangement of reality takes place exclusively through our conscience, and is typically manifested only at the ethical emergent level. Negation cannot explain the negative determinations brought on by mechanical opposition, inertial drives or impeding conditions. As a manifestation of the will, negation shows a creative power. But the mentioned negative determinations constitute just a relation, and phenomena are still the result of an existential affirmation: the expression which entities make of their own nature. Succinctly, this is the *dialectics of bipolar affirmation*, where the principle of logical synthesis is metaphysically* present in the polar entities or incorporated in their assemblage. Chapters four and five of part one delve further into this matter.

Further lucubrations on the above criteria lead to the obliteration of misleading divergences and dichotomies—such as the lack of complement between teleological and deontological ethics, or between utilitarianism and eudaimonism—and to their coming together with other currents of philosophical thought, especially those of neo-realism. I deem the above-mentioned criteria sufficient for a proper systematization of the moral. A criterion of universalization of the moral, for example, is only applicable in terms of our criteria two and three. Also, a criterion of truth and falsehood—be it applied to logical judgments or statements on the moral, or to the adequacy of moral disposition—finds proper expression in our

*In this chapter, I use the term metaphysics to mean what pertains to the nature of reality as offered to the common sense; elsewhere I also use it in relation to Being at its highest level of abstraction, and to theology.

third. If we were to frame this work as representative of a school of philosophical thought, it might be that of Objectivism; but more properly an emergent naturalism, to whose expression in the sociopolitical arena we will assign the term nomocracy. And it is nomocracy which will constitute the focal point of this study.⁴

In order to arrive at the general concept of natural law, it is necessary to engage in a long conceptual chain which includes a series of abstractions from abstractions—based on being, nature, behavior and others—and inductions from inductions, taken from retrospective (historical) studies of man, sociological ones of present-day peoples, psychological observation, and rather significantly, an examination of our own conscience. In order to conceptualize the specifications—moral natural law, positive law, and others—there has to be a deductive incorporation of these new manifestational instances, which contribute various contents beyond those of the general law, which becomes a sub-axiom of existence and identity. Now then, anything which implies formulations about the natural roots ultimately in one element: the irreducible, a primary manifestation of a substratum with its intelligible basis in itself. We know that affection is necessary in childhood because we observe the disturbances present when such affection is missing. As to explain this, we could postulate that the unconscious needs affection in order to avoid the need of defense mechanisms; but we still need to ask why a healthy unconscious cannot develop in the absence of affection. Thus we return to the starting point: man demands affection because his own essence requires it. It is his basic law, the irreducible nature of the thing. That is why we can arrive to a notion of good, but we cannot answer the question: Why is good good? If our reply is that it is so because it fits our will, we must, in the Thomist style, provide a standard of value or goodness which prequalifies and guides the will. Everything that is explainable must derive from the unexplainable. We will aver here that good is good because of its power to bring man to self-fulfillment, in the understanding that in doing so we are transferring the question to that quality immediately identifiable with good—its goodness or whatever we wish to call it—which can lift man to that level and

which would remain irreducible. Thus, we are not assessing what is good merely by the consequences, but by the fact of being good consequences within a contextual field of goodness. The answer to what is humanly fulfilling is something that, within a particular realm at least, we will try to provide.

Those who would like to delve into the basis of moral nature are advised to read H. B. Veatch *For an Ontology of Morals*, where they will find enlightening concepts of good and values based on the ontological structure potency-act. This goes back to the ancient notion that everything tends to develop toward a final optimal state, which would be the specific good appropriate for it. Other than certain differences I have with the so-called teleological end, I see no reason to depart from this concept, although we must remember that all notions of (moral) good must be limited to the ontological area which corresponds to what is and what must be.⁵

The nature of a thing corresponds to its identity, and, very schematically, we may say that comprises a) its composition and arrangements, that is, its bio-physical substratum(a); b) its *eidetic* substratum(a), that is, its essential contents—in short, metaphysical elements, structures or attributes epistemologically determinant—which remains the thing despite changes or variables in a) and c), and which typify its existential demands and character; and c) its own particular way of being, including all we could label as attitude, functional expression, and similar others. Let us now concentrate on human nature, which, in a historico-evolutional context, can be divided into instinctual and given, and adapted, differentiated or learned. Disregarding a), the first corresponds basically to the innate machinery of the psyche, and would comprise the archetypes of the collective unconscious, the most basic instincts and emotions or drives such as love (Eros), hate (Thanatos) and fear, in addition to primordial spiritual, existential and cognitive aspects, which constitute the phylogenic factors, fundamental dispositions, schemes or mechanisms, and the most undifferentiated forms of response to stimuli unleashing and shaping human action—consulting note twelve might be beneficial at this time. The second refers to the full development of the personality, with the appearance of the egos, through the learning process and the adaptation to the environment. The latter,

then, constitutes an ontogenetic differentiation including an *eidetic* superstructure which regulates the innate machinery of the psyche in accordance with its own natural laws.

Given human nature is essentially mono-expressive. It can only be channeled, and it could be modified only through mutation of the species. Learned nature reveals the poli-expressive (adaptive) character of the spirit brought about as a result of environmental pressures, cultural influences and personal experience. In all this, of course, we must never fragment the unity of any existent. All men, if we are to speak of a human genus, must share in similar essences and ways of achieving fulfillment. Thus, although they may find different expression, absolute categories and values should be traceable everywhere. The existence of such normative developments as *superego*, point out at least to a formal universal requirement of human psychism, which is, in turn, essentially uniform.

Self-conscious and rational human nature, although common to everyone, has an element of uniqueness in each individual. In man, conscience and reason (in addition to the basically subconscious construct called *superego*) are called to guide idiosyncratically or existentially even the most basic instincts. This is a determining factor in a variability of expression—an analysis of which is beyond the scope of this work—and whose nature is such that it may even oppose the better (natural) channeling of the energies of the innate machinery of the psyche. Instinct is not a mere tendency or predisposition, but a highly evolved property of genetically transmitted matter with normative powers over organic behavior and aimed at achieving the best possible adaptation to the environment. Thus, if it turned out some day that what we now term instincts actually constitute learned responses, there would always be a nucleus of unlearned behaviors (of the kind above described) encoded in the very fabric of life. Now then, that the human *eidos* can still be found within the manifold, indicates precisely the existence of essences which are shared by the entire species. The possibility of anthropological disciplines, and that of universalizing the elements of culture, rests ultimately on the above. This allows us, since morality is one of the spheres of human nature, to make reference to a common ethical substratum. That context, in its

sociopolitical aspects, will be our fundamental theme here. In those, natural law finds its basic expression in right. There is, therefore, a natural (nomocratic) code of right which constitutes the ideal socio-political framework, the juridical expression of the very nature of man and of his understanding of and desire for justice and the rule of law. Based on Protagoras' maxim, "man is the measure of all things," the sophists teach us that laws (*nomos*), that is, concepts of law and justice, change. And yet, if we observe carefully, we shall see that what is always being protected are fundamental values common to the entire species. Man is certainly the measure of all things; not because he alters them at will, but because he totalises with them to the emergent-level status: all there is a praxical spectrum of right.

Now then, given the negative side of human nature, there is what we might be tempted to call natural wickedness. But it can be shown that the spirit includes elements to overcome the negative, and that in the last instance the lack of awareness of what is due is existentially, not genetically determined, as if to postulate that man would choose good against evil if we were to eliminate all the disturbances caused by a hostile environment and acquired mental imbalances. That is not the object of this discussion, but the existence of the above elements allows us to identify true human nature, that is, the ontologically superior, rational nature, predisposed to peaceful coexistence, what clear minds and elevated consciences have always considered self-fulfilling par excellence, and what can be inferred as such in history.

Let us go a step further because it would seem that nothing contrary to nature could occur, since everything would manifest according to what it is and not in any other way. But at a certain level of emergence, being implies developing transcending potentialities. Thus, what is natural in man—in certain spheres of its manifestation—must include a subsequent (value-based) qualification of what is manifested in order to assess what is proper and what is alien to man for his fulfillment. In general terms, all human actions which purposely arrest any legitimate fulfillment or prevent the realization of rational values can be considered evil. But while man is the only being who is able by nature to move

away from his true nature, he is also the only one who can consciously identify with it. And that is why (moral) evil is inconceivable in the lower species lacking in self-consciousness. Contradictions, negations, and acts against nature take place exclusively at the emergent level.

In truth, what is against nature is not the impulse towards evil but deeming it as good on grounds of expedience, committing it repressing reflexive consciousness, or being conscious of the difference but attempting no control over the action. The concept of evil as a necessary constituent of man, which we may also regard as error or ignorance, seems to be the basic idea behind the matter of original sin: man as physical and biological being cannot avoid it at a certain stage of his spiritual development, but he can come to know it and reject it. For that he has been provided with his intellect and his conscience.⁶ At the level of his evolution which endows him with free will, the necessary pattern of human ethical manifestation is factual or given at the rational level rather than merely factual or given to experience. Since here we deem morality as imbedded in nature and reason a self-guiding and self-knowing capacity of the latter, what is morally good is also rational.

Observing cases of child abuse, we do not conclude that some men are cruel to children by nature, or that they behave normally. Rather, some disturbance brings on that behavior, and these men are acting against their true (superior) nature and their true (superior) judgment, in conflict with their own selves. We could not conclude that it is impossible to categorize human behavior or formulate laws or constants in psychology. Let us then not take the term "duty" in the sense of external demand, since it is only when there is the possibility of non-compliance that duty acquires a moral character. Duty is a way—permission or entitlement is the other—in which our moral nature manifests itself when we confront our ideal or rational values (or our pristine disposition of spirit) with a given goal or desire. Operating on our conscience, it generates a commandment which gives rise to an action that leads to self-fulfillment, as well as to the attainment of the common good when it is projected to others. When goals or desires are confronted with pseudo or irrational values (or with an immoral disposition of spirit), something like a command-

ment—an instinctual drive indeed—may arise, but it is neither integral nor self-fulfilling. Man can thus lead an anti-natural—that is, an irrational—life, but he cannot thus develop himself fully, nor is he able to identify with his neighbor. Benefiting from acting against one's own nature is a contradiction in terms.

Variety in customs does not deny the existence of a natural law, but customs outside the praxical spectrum of good bring about unfulfilling consequences. Corrupt reasoning and behavior do not deny natural law either; they merely show an instance of the law of identity. We may be asked how we know they are corrupt, and we may come to a dead end if we do not accept as such, let us say, theft and the taking of life for no justifiable reason. If someone maintains that it is prejudiced or faulty intuition to judge them as wrong, it will be impossible to prove to him that they are, because the intelligibility of life and property as values is irreducible. If it is argued that such actions are wrong because they threaten the peace, human rights, and the survival of the species, one can always demand proof that peace and survival are good or that they constitute rights. That, however, admits the assertion that there is no worth in anything, and is an example of what I call the *locus irrationalis*.

He who espouses irrationality, of course, cannot prove his point either, and is therefore at a loss in this situation. It is obvious that, at the very least, a basic and universal capacity for differentiating what is fulfilling from what is humanly debasing, and a drive towards exercising that capacity (expressed as practical rationality) are present in every human being; they are what we define as moral conscience and moral good.⁷ A lack of moral values betrays the undermost spiritual evolution or the strongest of defense mechanisms. He who is truly beyond good and evil has achieved a transcendental axiological synthesis, which reaffirms in an univocal way both ethical poles. And what can we say about those who see in the moral a simple intellectual construct aimed at ensuring the survival of society or a mechanism for reining the instinct of aggression? Even the behavior of animals intends to preserve their societies or the lives of their members, they say. But with the appearance of man, life acquires an emergent-level status, which provides such a construct a higher ontolog-

ical degree. Thus, it is unacceptable to reduce the moral to one of its outcomes or to instinctual drives disregarding its (rational) content of value.

Those who deny this deny that man can choose between good and evil, and see values as learned, not natural. But learning is merely the manner of acquisition of the cultural heritage, which contains idiosyncratically previously present natural exigencies of the species. Education will never establish new real values, though it may promote the acquisition of pseudo-values and the formation of assembly line human beings who are incapable of identifying their true self. The non-cognitive schools have attempted to explain human social behavior in *objective* terms devoid of any moral context, since they deny the significance of such a context or even that it can be known. Their objectivity limits to the lower levels of fulfillment and conditioned response, and fails to touch the ultimate meaning and motivation of every human social order: the promotion of values in all their emergent-level context. The criteria of analytical sociology and modern psychology, at least in some of its branches, are not at all persuasive. What are the limits of science? In a cybernetic system, what constitutes an anomaly other than what man defines to be an anomaly for that system? Who digs more deeply into the roots of things, he who reflects on the moral character of a revolution or he who sees it as a parallel system of verification and correction? Is war a conflict of values or interests, or as extreme behaviorists would have it, a series of observable bodily motions representative of a behavioral change brought about by the environment? A value is an irreducible determination of nature, its subjectivity referring only to the way it is experienced. Thus, its content cannot be lost if abstracted from muscular or visceral reactions, only if abstracted from its fulfilling power. Needs qua needs, and any intellectual understanding of them which does not incorporate the emergent factor "value," with all its emergent-level connotations, reach at most a sort of bio-cybernetic level.

Economics seems to be committing the same mistake as sociology, even to the extreme of attempting to explain workers' strikes in terms of mathematical formulas when it is obvious that (when the cause does not lie in vested interests)

strikes usually occur as a result of a perception of injustice in the relevant economic situation. I agree somewhat with Proudhon in his dim view of economists, although there are outstanding exceptions. In fact, economic theories are useful in support of philosophical principles. Of course, whole books would be needed in order to provide answers to the preceding questions. The concept of bodily movement refers to a kind of reflex reaction performed by the organism in the presence of certain environmental stimuli, a form of conditioned-mechanistic response to the world—as it is claimed to be the case of thought, for example. Thought may thus be interpreted as bodily movement, or covert behavior (insofar as it is an action or implies some change at the level of energy) brought about by an external or internal stimulus.

The theory is not susceptible to criticism in this sense, but it concerns only the external efficient mechanics of thought generation. The failure lies in that thought is considered not a causal agent of further action or thought but rather a dead end. This underestimation of the human psyche, however, becomes unsupportable the moment one has to make reference to mental contents in explaining how, why, to what extent and in what circumstances environmental factors, the *reinforcers*, could provoke certain reactions. The outcome of behaviorism is a perception of human conduct as unrelated to purpose and cognition, and of the human mind or spirit and conscience as structures completely conditioned by external determinants, incapable of overcoming inertia. Obviously, man reacts in response to environmental conditions in a certain psycho-physical parallelism. But his transcended acts (from inferior levels of organization) are elicited not so much by environmental stimuli as by an entire organico-experiential structure historically constituted. Man thus overcomes the limitations imposed by the laws of less evolved matter by returning what has been interiorized—after an existential processing—in the form of a new reality. Man owes what is predictable in his behavior to material and efficient causes, and what is spontaneous to the unrepeatable existential moment of his self. In any case, since what is moral cannot be denied as a phenomenal reality, it is a sheer question of method to give it its proper ontological place and to discover the laws that direct

it as a form of human behavior, based on parameters suited to its level of emergence.⁸

Our task here will be to assess how the different sociopolitical schemes fit natural values—in essence, justice—in which case we can aver that man has achieved a social progress. According to Comte, this occurs under a government which acts against passions contrary to peace and cooperation.⁹ Spencer believes that in the more ancient, totalitarian, military or militant society, planning is made for war and the individual exists for the benefit of the state. In the more modern, industrial society, however, the tendency is towards peace and democracy, the state exists for the benefit of the individual, and society leans toward humanism. Spencer tells us that cooperation was mandatory in primitive societies but became voluntary in industrial ones, increasing individualism. Opposing ideologues view societies where cooperation is mandatory as more advanced and having transcended prehistory. I side with Spencer who viewed even socialism as a form of militant society.¹⁰ As it will be explained in due time, even though I endorse certain spheres of mandatory cooperation, these constitute organic social requirements not coercive legal mechanisms. Others such as Durkheim define social progress according to the predominant code of laws: repressive as in the more primitive society of *mechanical solidarity*, or restorative as in the more evolved society of *organic solidarity*. Durkheim postulated that the agent of coercion in a society of mechanical solidarity was not a central authority, as Spencer believed, but a strong collective conscience.¹¹

Another criterion often used is the type of government constituted in the society under consideration. Parliamentary and similar regimes are deemed more advanced, but governmental organization by itself does not guarantee a deeper allegiance to natural laws. Other factors are also to be taken into account. One such is the society's ability to adapt to external and internal realities, seemingly an adequate criterion but not one without its problems. We may be far less prepared to adapt to our environment than tribal societies were to adapt to theirs, not only because of highly destructive technological possibilities but because of several sociological circumstances

as well: a tendency to the destruction of the family, overpopulation, and others. The change from a traditional society, where a single institution performs diverse functions, to a complex or technological society, with a greater division of functions among institutions, does not necessarily bespeak of social progress because values can be better sustained from a single nucleus. The greater differentiation of Parsons' subsystems of human behavior¹² that occurs in the more highly developed societies, does not really imply the development of human spiritual potential and its communal projection. Such differentiation reveals, among other things, a greater division of labor in more complex societies, or an adaptive improvement in the face of economic or other circumstances. Although values are taken in consideration here, there seems to be a reduction of the ethico-anthropological context to the juridico-formal one.

Sociology is fundamentally the science of emergent gregarious conduct, and social progress can only take place within the moral context because organizational, economic and technologico-scientific strata are by themselves untranscending to the higher spheres of humanity. Social progress is achieved when human interaction is free, noncoercive and universally fulfilling. We cannot speak of it when relations between people do not redound in the common good no matter what sub-emergent level of organization, or economic advancement, has been achieved. Neither can it be averred that the more organization or differentiation there is the greater is the tendency for conflicts to level off. It is the acknowledgment of the individual as the object of full rights which leads to the least racist and most peaceful, free and just societies. Such acknowledgment fits the natural fact of spiritual, mental and biological individuality and implies that all individuals must have genuine opportunities for self-fulfillment according to the society in which they develop. We could aver in such a case that the common good has truly been achieved. Of course, the nature of the legal system is not sufficient criterion for a general judgment of the *ethos*. But we can deem the most sociologically advanced peoples those where the normative political praxis is of nomocratic essence; and, let us say so right now, are represented by the capitalist society.

Notes

¹Emergent materialism emphasizes the creative force of matter in the development of *new realities* (such as conscience), leading to the concept of a materialism which has surpassed itself, to paraphrase Popper.* This viewpoint has the advantage of distinguishing between a common evolutionary event and an emergent one, since a phenomenon (a biological one, most importantly) is best called emergent if it obeys laws which are its own and which cannot be expressed in terms of those which govern lower evolutionary levels. It is doubtful on the other hand that such an event implies a jump rather than a process, although the latter is not to be reduced to matter recombinations and adaptive anatomical creations. Also, even though emergent events cannot be predicted from a study of such strata in our present state of knowledge, matter possesses some property which gives rise to life and other emergent events. Their own existence constitutes, within a materialist position, proof of that; it could be assumed, then, that it is not impossible to discover such a property.

I am in a way a reductionist and a panpsychist, but I consider valid the concept of creative evolution as the manner in which that property transcends itself within the becoming. Even though one day we become able to express a human act by means of a most complicated equation, the greater transcendence of the act will not be understood except by means of the conscience. Mathematical expression, which only fits lower (physico-chemical) evolutionary levels, will never convey an understanding of the higher meaning of things. That is my perspective on emergence. An equation which can fully explain a human act must necessarily contain emergent factors such as feelings and others, in which case it is no longer a reductionist equation. But in truth, reductionist thought attains validity through the inclusion of absolute factors—God, spiritual energy...

Self-consciousness is the fundamental emergent property of matter, encompassing reason. Reason reveals a directed and conceptually organized display of the representation and contents which the conscience derives from experience, but then it appears as a form of self-awareness. Patently, sooner or later there is always an anchor in external reality. Let us mention in passing that, since it bears no importance for ideological purposes to distinguish between capacity and act, I will use the terms consciousness and conscience rather indistinctly. And here, evolutionary creation has made ethical values the ultimate determinant of human action. It is very difficult, moreover, to conceive of a highly evolved outcome of matter totally unbound to ethical concepts. We could not deem superior any such organizational advance that did not attain a single characteristic of *humanity* (above all, rationality) no matter how evolved it was in other respects. It is true that the situations and referents of moral action will differ according to the particularities of the case, but that is not to say that matter is capable of creating ethical orders unrelated to contents of value or duty whatever paths its evolution took or takes in other occasions. We would need a separate ontology to imagine extraterrestrial beings, even Martians with spider-like bodies,** who would not be able to empathize with our concept of justice qua jus-

*Popper, K., Eccles, J., *El yo y su cerebro*, Ch.I, p.1, Labor Universitaria, Barcelona 1980.

***Editorial note*: The image refers to a polemic over the validity of assigning human qualities to an intelligent being with the body of a spider.

tice, no matter how alien the concrete determinants of that concept turned out to be for them.

Not even the most mechanistic materialism can disregard some form of evolutionarily-determined hierarchy of its own phenomena, and, thus, such categories as (materialistically considered) values, rights, and so on. With this, along the tenets followed in this chapter, we may make reference to universal laws of ethics, which would govern matter at a certain stage of evolution and which would be present always and everywhere. We find the basis for our postulate in the original unity of the universe, and in its consequent essential constituent uniformity—which relate to the sub-axiomatic principles of entity and identity: a) All of A is A and every part of A is A, and b) A is recognizable in everyone of its parts—within the context of the current data contributed by science. Along this, the finding of other universes would indicate the need for an extrapolation to a higher unity. This eventually leads to the conceptualization of manifestation uniformity in the cause and effect relationship: given the same cause, we will obtain the same effect. Obviously, no one holds that a phenomenon will remain unchanged throughout eternity just because it has remained unchanged in our observation: the sun rising in the East, for example. In this context, then, if we have causal fields (substrata) of identical or similar enough composition and structure, the effect (phenomenon) will be predictable.

Since the time Descartes carried out his mathematization of physical objects, many have found it impossible to hold on to the notion of causality: all we can demonstrate, they say, is that one thing follows another—Hume's constant conjunctions. The why of such successions is disregarded, since it is deemed distorted by a presumed imposition of categories or filters on the data. In a moment we will have something to say on the matter, so let us for now merely touch briefly upon the first aspect, where, as seems evident, it is worthwhile to make a distinction between connections of cause and effect, and connections which are necessary but where there is no cause and effect relationship. We all understand, for example, that the fact that day follows night and night follows day does not make one the cause of the other. The manifestation or the occurrence of one phenomenon is not intelligible from the potencies of the other, but rather from those of a third entity, the cosmographic situation of the earth (including its rotation) in relation to the sun. There is so much more we need to look at that we cannot take this discussion to a conclusion. But let us at least ask ourselves if it makes any sense to assume that the myriad constant conjunctions we observe every day result from an association of ideas. The systematic non-occurrence of phenomena by suppressing their unleashing factors should suffice at least to hint the opposite. Absent a law reflecting an order of sorts, we should expect a complete lack of constant sequences as well as a thorough failure of human technological creations, which depend precisely on an intricate meshwork of cause-and-effect relationships. Let us assume there is in nature an unfathomable conjunction electric spark/gas combustion. For this conjunction to make an automobile engine run, other conjunctions are necessary: electron flow/electric spark, gas combustion/air expansion, air expansion/piston movement, to mention a few; and they must be so ordered, one resulting from the other, that the end result will be the expected one. We cannot accept that an aggregate of unrelated conjunctions could produce a functional conformation, and unrelated they would have to be if we dispense with the notion of effect as expression of a cause—which resides in the prop-

erties of physical substrata as much as in human design. All that would be left to argue is that a smooth-running engine is really an ensemble in chaos, ordered only to the human eye, and that the only existents are lined-up psychic facts. Such theses lack objective correlates for an ordered association of ideas and, short of esoteric or supernatural explanations, lead to solipsism. This, in turn, cannot explain the limitations of the reality-creating mind which it must postulate, and must accept the existence of an external reality to such a mind, governed by rules of its own. In the most general context, we define order and chaos according to our ability to identify patterns of behavior and the laws which rule them. The fact is, however, that no matter what way reality may be constituted, functional or other type of relationships will always be present between the whole and its parts or structures, and between the latter, whose ontological correlate to any emergent-level creature—upon its integration as a knowing entity with such a reality—will always be order and laws. Logical atomists may oppose this by analogizing a possible reduction of the language to simple forms to what happens in nature (accepting that language reflects the latter). In this way, reality would consist of a collection of atomic (and unrelated) facts. But while the disconstruction of the language up to logical atoms or facts is a dis-syntactical function, (real, nature's) facts are not isolated phenomena but holistic instances of Being. Even if we could reduce the consistence of things to their simplest components, both ensembles and multiplicity would always relate to an underlying and previous unity. Atomic facts actually consist and are thoroughly intelligible in terms of the whole(s) whose differentiation they are an expression of. Within all this, the law of causality must be understood not so much in terms of an inductive construct based on observations of antecedence and consequence, but in the immediate intelligibility of becoming and manifestation or of phenomenon-substratum, that is, as a joint sub-axiomatic expression of existence and identity in the sphere of change/potential of change. That becomes particularly relevant when considering human free will (see note five) and perhaps, as discussed somewhere else, in certain special phenomena such as the spiritual and the absolute.

The value of logic for gaining knowledge of reality has been challenged, especially by those philosophical movements of our time built upon Hume's and Kant's tenets. They argue, for example, that the validity of the principle of induction cannot be demonstrated on the basis of experience since that would necessitate taking into account future experiences which have yet to occur and which might invalidate it: the sun coming out in the West, for example. And neither would reason suffice, since according to them its laws cannot be demonstrated by reasoning, and we must assume the validity of rational proof. But if the sun started to come out in the West, all that would go out of whack would be a particular law, not the principle itself. And the law could eventually be reformulated on the basis of more comprehensive knowledge which would include the cause of the change. Since our field of observation and knowledge is limited, the substratal-structural uniformity and the necessary conditions required to obtain the same effect can hardly be guaranteed or foreseen with certainty. Thus, the process of induction must not be used as an infallible method for establishing physical laws or predicting events, but as a valid reasoning structure. And it all depends on whether formal logical axioms are considered valid irreducible bases of all knowledge or mere assumptions which give rise to a postulating system.

Now then, not only the axioms of reason, but the display of the becoming—even more so in the sphere of human praxis—indicate that those who see a basic indeterminism in reality are not on firm ground. Their arguments rest mainly on sub-atomic-level data contributed by the sciences of common sense, such as the impossibility of predicting the orbital behavior of an electron. This has led to the development of a theory of chaos, which is merely a manifestation of how our knowledge lags behind our expectations. What the cream of the crop of the scientific world finds impossible to determine today may well be child's play for high school students tomorrow. But even if it proved otherwise, chaos would be one of the various levels of arrangements reality has, and things express themselves holistically, not in a sequence from the sub-atomic to any particular level of emergence—passing through the molecular, the cellular, and so on—so chaos cannot be deemed the driving force of the becoming. In the properly historic context, now then, as in the process of becoming matter expresses in discernible or stable behavioral patterns, we can postulate the existence of a factor which brings order out of chaos, and chaos itself as apparent and as a mere link within a manifestational-causal line of primary order. On a related matter, some of the problems of modern philosophy relate to seeing scientific knowledge as derived neither from empirical observation nor from the inferences which may follow, but from deductions based on the sheer inventions of scientists: Greatly respected authors such as Popper, Veatch, and W. V. Quine believe as much: scientific knowledge, they say, rests on the so-called hypothetico-deductive method. They argue that while some simple scientific laws—water boils at 100°C—are derived from a process of induction, the great scientific hypotheses and theories, such as universal gravitation, cannot possibly be, since no one can really experience gravitation as such. They add that verifying hypotheses does not prove theories, it merely affirms consequents. No one, for instance, can demonstrate that someone who acts oddly is a genius merely on the basis that geniuses are bound to act oddly at times. They also disregard the recourse of falsifying a hypothesis, given that while it may inform us of what is not the case, there can be no definitive falsification: it is not theories which conform to the data, but rather the data which acquire the hue given to it by a hypothesis; as a result, such data conform to the hypothesis and seem to confirm it. It would be, so runs the argument, as if wearing green glasses we were to conclude that all objects are green, when in reality they are not.

There are certain reasonable elements in such ideas, but I have to disagree on others. Starting with experience: it often puts us in touch with facts whose nature we ignore. Because of that, and because it is often called upon to link obscure and apparently unrelated facts, science resorts to hypotheses, which are rather constructs upon an *ideative display* of such facts. But it will never do so in the absence of empirical data, or of another hypothesis or theory based in turn on such data. If I postulate that the earth will become a desert by the twenty-third century, I will do so based on facts I observe at present and on laws applying to facts which I see as pointing in that direction. It is not different with the formulation of scientific laws, for the ideative display of empirical data is supposed to be logical, that is fashioned in a non-contradictory way to the best knowledge available. In any case, such laws are the product of induction. With respect to verification, it depends on the logical soundness of the hypothesis—logical in the correct sense, as related to the facts—and on the verification criteria. If in the exam-

ple of the genius we substitute the test, act oddly, with a notable invention or similar others related to a genius' essence, we will be doing more than affirming the consequent. Of course, a proof may lose validity in the presence of new data and discoveries, but that only means that the logical field has been established more accurately. As the continuator of objectivist epistemology, L. Peikoff, states, proof is a logical conclusion derived from preceding knowledge. Thus, we can question the rationality of any proof, but not the formal validity of the proof as such, which only leads to an infinite progression of probatory supra-reasons. Similar criteria stand with respect to the falsification of a hypothesis. As I said above, is it possible to maintain that by imposing arbitrary categories or views on things, these will conform to our desires and filters? Can it be true that—as W. V. Quine argues—it is simply because of our cultural posits that we attribute the behavior of things to the laws of physics rather than to the gods of Homer? To Quine, “the ontological questions are on a par with questions of natural science,” and believing in physical objects is as valid as believing in Homeric gods, both myths constituting devices for working a manageable structure into the flux of experience.* Leaving aside the question of who is right, this only shows the tendency of man's mind to fit the phenomena within formal schemes. But would Quine hold that the *myths* of a flat earth and a round world are equally valid? The contents of truth of the different hypotheses cannot be equalized just because where a formal intellectual structure is concerned both conceptions are plausible depending on the conditions of the minds which conceptualized them. That is why we can speak of progress in knowledge. Can it be, then, that the world is actually round? Or have we simply imposed that concept on an undecipherable world in order to develop a more manageable structure within the flux of new experience? Actually, when we believed the earth was flat, that was just because it actually seemed so. There was no attempt to fit data to theory: related facts simply fit the belief because, given the limitations of the time, the activities men carried out in their environment were not incompatible with the notion of a flat earth.

However, as soon as experience provided new data, such as the possibility of sailing around the world, the notion of a flat earth became impossible to hold, and theory had to be modified to fit the new data, not the other way around. We could be in a similar situation and erroneously hold that the world is round, but proving it to be flat would require the discovery of a dimension of reality so fantastic as to boggle the imagination. That was not the case when the earth was shown to be round, since that required no more than a concatenation of data perfectly comprehensible to the minds of the time and to all normal reason. In other words, we are not dealing here with irrationality, but with praxical objective intelligibility. Science is not infallible; experience shows otherwise. But it seems that, little by little, it is identifying reality more closely. In such a way, science has become the provider of each time more reliable bases for our logical conclusions. It is true that one will always be able to add something to a previous perspective on reality. But that does not mean that all knowledge is merely provisional, since the expanded perspective may be tangential or of a generic type. Thus understood, it may be accepted that scientific knowledge follows a heuristic process.

*Quine, W. V., *From a Logical Point of View: Logico-Philosophical Essays*, pp. 44-45. Harvard University Press, Cambridge 1961.

Another reason to mistrust empirical proof is the unreliability of sensory perception. But even though for that reason I do not take a naive stand within common-sense realism, it does not follow that our entire conception of reality is mistaken. That would not explain (among other things) the functionality of our concepts and representations. In other words, not by imposing subjective standards on reality will we make the latter more manageable, but rather by identifying it more accurately. It is an error to wait for things to manifest to us their *ultimate reality*, or at least an image portraying their latest scientific configuration, before accepting that we see them or that we can know them for what they are. It is argued, for instance, that since objects are constituted by matter in infinitely small proportion to the shape they assume before our senses, our perception of them is at best inadequate. It is as if they should vanish before our eyes, or we should be able to put our hand through them, dismissing the fact that reality has different levels of expression and matching knowing structures. Does that, then, invalidate what has been said regarding earth? Not in the slightest, because the hypotheses of a flat earth and a round world are on the same level of expression of reality, where we can verify the second and falsify the first. If we could shrink to the size of an atom, and experience the practically immaterial reality of earth, our representation of it would differ greatly from our present one, and yet both would be quite valid. Ultimately, everything could even be constituted by a mental or spiritual reality, and that would not at all weaken any objective conception at any level of material expression. We need to refine conceptualization rather than sense experience.

Thus, we cannot hold that our intellect shows us things as they are, given the diversity of unacceptable or contradictory conclusions. It seems easier for philosophy than for science to fit the data to the theory because all that is needed is to take root in irrationality. But, you may ask, why so long, and in any case so incomplete, a debate? Merely to avoid falling into pessimism. The preceding discussion does not side with the attempt to disqualify reason which goes on in modern times. Should the mind must conceive reality on the basis of certain structures proper to the understanding (Kantian categories, for instance) man has further means to tell between those proper and those foreign to the objects of knowledge. Any gnoseological quest must depart from these premises: 1) every phenomenon of organic adaptation to the environment or external reality implies the functionality of any structure thereof arising (such as the sense organs). 2) functional relationships require that the entities involved share in a contextual ontological and metaphysical ground. 3) any model of the understanding is in turn a structure derived from the adaptive event which leads to knowledge. And 4) the functionality of such structure would be impossible if it did not yield at least an intelligible correlate of the nature of the objects of knowledge—the metaphysical-logical essence, not a mere ascription of intelligibility to things—intimating the (in essence universal) objective nature of our modes of representation. Thus, our knowing structures and mechanisms—if we dismiss the factors which are not proper to their nature—should allow us to grasp the *noumenon*, that is, essential reality.

In an effort to sum up, it is not in uncertainty itself, but in an emergence-determining kind of reality that we must look for the reason of creativity, free will and evolving laws of nature. Although in the ultimate sense I am a fatalist, I think that there is room for freedom in reality, as I discuss in note six. Finally, even if it proved impossible to discover the laws or infe-

rior realities, it would be a different matter when it comes to the phenomenon of consciousness because—in addition to reasons stated elsewhere—there are strong indications (from fields of parapsychology and religion, among others) that man can, by his own nature, transcend his *imperfect* worldly state and achieve levels of evolution just this side of the absolute. That allows us to understand why the human phenomenon constitutes the necessary climax of the evolution of matter, and identify its characteristics of maximum emergence. Man does not possess the ability of knowing, in an infallible manner, even the reality of his own biological support, but certainly that of his own psychological processes and their relation of maximum emergence with things; if representation were a factor in this kind of cognitive process, it would be unequivocally identifiable with the immediate data of consciousness. Thus, from an epistemological point of view, although physical appearance may be deceptive or subject to diverse sensory interpretation, what is moral will be universally and evenly given.

²Much of the confusion in ethics could be avoided simply by keeping in mind the nature-bound unity of its terms, as shown in the basic identity of value and good; they differ only in that the latter reveals more the aspects fact and being, while the former reveals more the aspects content and worth. In turn, the moral represents the intelligibility of the dispositions of the spirit, and the rational demands for realizing values in practice. Thus, moral terms have their final determinant in the good or evil display of the spirit, which we could resume as follows: 1) The will's moment, occurring when making a choice and leading to action, which is based on 2) The rational moment, which includes a concept of duty and the assessment of principles and consequences. This is in turn based on 3) The existential moment, related to the intuitive realm and dispositions and feelings toward the others (as well as to self-respect), including a pre-conceptual sense of duty. In this scheme, content and duty are part of sequential yet univocal expression of the spirit. The crucial fact by which the existential moment belongs in the moral realm is its self-conscious character, and its immediate intelligibility by and affinity with the spirit, although it is up to reason to tell between a moral and an immoral existential moment. In addition, let us point out that virtues are just spiritual-dynamic specifications of good, dispositions of the spirit towards the realization of values.

³Finnis supports the position he ascribes to the classical theorists of natural law in that they never attempted to infer or derive ethical norms from facts, human nature, or metaphysical concepts.* Saint Thomas, he says, deemed the first principles of natural law concerning good and evil as self-evident and not susceptible of proof. Were we to accept that, we would simply be strengthening the bond between those principles and nature. It seems to be that moral principles and norms are truths or propositions reached by a process of induction, whose determinants would be facts of nature such as dispositions of the spirit (taken both in their intelligible and empirical spheres), including their assessment in the cultural and historical contexts. This means that in the process of integrating conceptual abstractions and facts of reality in terms of a particular field of action—or, more to the point, in the process of determining the praxical display of the spirit and the will—we are bound to infer normative premises. In fact, moral norms are implicit in the existential attitude of the spirit; the *ought* is implicit in

**Natural Law and Natural Rights*, Ch. II.4, pp.33-34. Clarendon Press, Oxford 1980.

the *I must*. The abovementioned principles appear *a priori* before our conscience because we are able to sense intuitively the moral structures present (elicited) in our nature, not because of any severance between intelligibility and facts. The FPPR, for example, can be inferred from the universal motivation in man to promote what he perceives as his own (or greater) good—no matter how irrational his notion of good may be—clearly, along with certain emergent-level conceptual determinants, like the disposition of duty toward the others. This formal universal necessity furnishes, and at the same time makes unnecessary, the proof of the principle. This is less true for moral norms of content, because determining what is good and evil requires the identification of our true self. It is obvious that we cannot infer that something is a good from the fact that everyone shows an inclination to seek that something—the Thomist notion of good—as Finnis argues using knowledge as an example, because it is not possible to identify any element of goodness in inclination itself. And the primordial referents of good and evil, pleasure and pain, are too much at the sensible level as to provide a definite conceptual ground. To Grisez,* it is “possible human fulfillment which must provide the intelligible norms for free choices.” Since this is also formally universalizable, it would seem to point at (genuine) human fulfillment as the parameter for assessing good. We can also infer moral norms from certain primary manifestations of nature that we could call *rationalities at the factual level*—by which I mean non-contradictory existential attitudes toward the fulfillment of values—although all this regresses us to the problem of identifying our true nature. Thus, I do not deny the evident truth of moral principles as directly grasped through intellectual intuition. What I am saying is that such evidence requires a previous experiential field of the moral facts of the world, and a process of conceptualizations by speculative reason, starting from the sensible connotations of good and evil, whose maximum logical comprehension suggest, at the very least, implications of practical contextual action, that is, moral events leading to moral norms. And as a matter of method, we must say that in order to discover the relationship between the latter and nature it is not proper to demand that those principles are not inferable from other facts, only that their inferential bases are themselves instances of nature.

The most important shortcoming of Finnis' perspective on natural law consists in that, without a grounding in nature, there is no compelling reason to prefer one moral conception over another, as has been observed by H. Veatch (*Human Rights: Fact or Fancy?* Louisiana State University Press, Baton Rouge, Louisiana 1985) and R. Hittinger (*A Critique of the New Natural Law Theory*, University of Notre Dame Press, Notre Dame, Indiana 1987). Deriving judgments of conscience from universal principles based in that these guide the everyday expressions of the former, as Grisez does, may tend to relate moral question to the divine and to prescribe human choice directly from God's commandments, bypassing nature. If, however, the latter is considered as the means of expression of divine will—as every (Christian) believer must if creation is to make sense—one cannot fail to discern the normative character of what is given in nature at the rational level, and nature itself as sufficient and necessary ground for formulating natural law. The great achievement of Grisez and Finnis lies precisely on their apologetic of duty. But duty is a drive born in our pristine disposition of spirit—

**Christian Moral Principles*, Ch. IV, p. 105. Franciscan Herald Press, Chicago 1983.

which leads to a projection towards others of the instinctive impulse that compels us to realize our own good—and a fact of nature at a special factual level, and thus a nature-based main logical foundation of every normative premise. And is it not human nature, as given in its rational and higher spiritual spheres, which demands a specific way of achieving fulfillment?

⁴One methodological observation needs to be made. As concepts—take right, for instance—become increasingly encompassing, it will be less necessary to refer to the abovementioned criteria: the very mention of the term right will include all the aspects signified by those criteria. I will leave many further lucubrations on bipolar affirmation dialectics for a future, for this does not fit in a predominantly ideological work. Also, mention will be made of the most relevant criterion as it pertains to the discussion, but the reader may verify by himself the validity of the others. Basically, anti-natural will be the equivalent of irrational—see also last section of the following chapter. Similarly, since this is not a treatise on natural moral law, and the intent is merely to focus on one of its specifications—where there is a considerable controversy on even the most basic concepts of good and evil—we will only succinctly discuss upon the ultimate ground for values and their hierarchy, although we will prove that our proposed tenets fit the genuine political specification of natural moral law.

⁵Of course, there is also a conception of good in the organico-vital sense, that which befits living things in the promotion of their biological welfare and development, but this conception lacks all moral connotations. And any sense of good and teleology disappears when considering inert matter: the latter is as indifferent to dissociation as to organization, caring not whether the planet stays a fiery ball or evolves to create the oceans. Only within a more general context—where the end of inert matter would be to promote life—or in the theological context of *plan* or fulfillment of the absolute in the world, could we attempt to discover the category of good in the formation of the seas, or of the atmosphere, given that presumably they are necessary substrates for the appearance of life. In any case, it seems more reasonable to limit the category of good to the emergence of life, because only there does it acquire intrinsic significance; the ocean is not beneficial to inert matter as such.

That is why, in that realm, it is not teleology but mechanism which explains change. *Telos*, the final cause of living things—the intermediate or final good to which they incline—may be seen more as an outcome (of the development of the power of living things) than as a final cause—except if we relate it to a human motivation, only that here motivation would act as any other efficient cause. The *telos*, however, keeps its sense of natural tendency—although some clarifications on tendencies toward unfulfilling states would be in order—or of parameter of judgment on what is good (what provides a measure of achievement of the *telos*) and what is natural, except that good now seems less identified with a search for (or a tendency towards) it by man than with its content. The *telos* is an existential determinant of the unfolding of events, not from an inexistent category in the present, but from what now is.

⁶To get an idea of the scabrous nature of the subject, and at the same time take a passing glance at some of the concepts utilized in this work, let us examine some thoughts of two great philosophers. In *Main Works*,* Baruch Spinoza states that a thing is defined as free when it exists solely for the needs of its own nature and its actions are determined by itself alone.

*Et. I, Def. 7, p. 46. Dover 1955 c1951.

Thus, the only thing we can conceive of which is truly free must be related to some absolute, which I will not discuss here. Yet Spinoza adds (Ibid., Et. II, Prop. XLVIII, p. 119) that there is no free or absolute will in the mind since the mind acts in response to a cause, itself determined by yet another cause and so on to infinity. Spinoza opposes here the concept of freedom to that of the bond to our own nature because the mind by its own nature cannot act without a cause. Yet such a cause does not determine a simple link in an automatic-response chain, but (when relevant) a unique existential moment of the self from which the mind could be seen as free to choose. If we examine one of those moments introspectively we shall learn that the substrata which gave rise to it are less important, for the exercise of our will, that the fact of becoming assimilated within self-consciousness, shaping, so to speak, a new man. In this work, besides its customary use, by existential I mean our ability for action and self-shaping, autonomous insofar as it departs from the simple awareness and the spontaneous drive of our momentary spiritual identity. Spinoza, however, resolves the contradiction in another manner (Ibid., Et. II, Prop. X, p. 252). As long as we are not assaulted by emotions contrary to our own nature, he states, we can arrange and associate any modifications to our body in accordance with the intellectual order. Evil is here defined as the outcome of external forces opposing what has been mandated by God and therefore contrary to our nature and negative for the freedom of man. The mind would thus be free only when it persevered in manifesting itself in accordance with the eternal necessity of the nature of God. In my opinion, freedom can only be conceived on spatial or temporal levels of reality. The absolute context transcends freedom, including Leibnitz's infinite possibility, because everything is encompassed through absolutization in a state of eternal presence of all of the moments of Being. Freedom, however, must be considered a temporal determination as a structure of our consciousness and based on what to our awareness is an incontrovertible fact. And since the absolute does not constitute a field of efficient causation, freedom seems authentic even though it determines what is eternally present. As the scholastics put it, freedom should be gauged from what one does willingly, even when does so necessarily.

Spinoza's concepts are critical, of course, but perhaps it would be more adequate to consider the choice of evil as a libertarian one, at least within the everyday psychic dynamics. Evil has to be part of the absolute, for this means completeness. Except that here evil exists forever transcended into the good, unlike to what happens in the world, where such transcendence must develop historically in order to lead to a rejection of evil. Acting against our nature does not seem to be determined by external agents in themselves—they can also motivate us to act rightly—but by internal disturbances. Wrong actions go against our nature not because the existence of evil is not an essential and necessary component, but because we thus fail to identify with our highest nature which demands to fulfill the ideal will. Going against our nature means going against our happiness, well-being and peace of mind. It means going against our further evolution and, in the last analysis, bondage.

Reading David Hume is also edifying, especially his *Treatise on Human Nature*.* He says, among other things, that no action can be virtuous or morally good unless there is a motive within human nature which brings it

**Tratado de la naturaleza humana*, Vol. 2, Book III, De la moral, p.671 and following. Editora Nacional, Madrid c 1977.

about which is different from any feeling of the morality of the act (p. 701). And he cites the example of the father who does not tend to his child and is the object of censure because he lacks the natural feelings of affection every father must have. Exactly, Hume stressed the primacy of the moral disposition existing in nature over how we might feel about it. It seems an oversimplification, however, to distinguish between good and evil on the basis of pleasure and pain—even though in the final consideration of transcendental aesthetics that may be so—and to link the concept of justice to what is circumstantial because, for the author, the feeling of virtue was not always natural (p. 699). Hume distinguished between the natural and the moral and just on the above basis when he referred to property (p. 716), although there are difficulties here in the use of the term “natural”. In truth, what is circumstantial may give rise to justice-promoting adaptive measures. But the precise sense of what is just can only derive from necessity and not from contingency, because it is impossible to infer such things as truth or principles from the latter.

To Hume, the understanding reaches based on impressions or feelings that move us to action whether vicious or virtuous. As he well says, morality is more adequately felt than judged (p. 691). But although our passions, volitions and actions are simple facts which cannot be judged as true or false in themselves (pp. 675 and 676), the propositions with a content of ought about the above facts are indeed true or false. Perhaps what is moral is a supra-feeling of sorts; but feelings themselves—as immediate reactions to certain stimuli—are just good (constructive) or bad (destructive) in a sensible context. The way we react to them, or the way we build subsequent feelings from them, are morally good or bad. Reason is not the substantive basis for nor the primordial generator of virtues, which is our disposition of spirit. Also, neither virtue nor morality consist in agreement with reason (pp. 674 and 678), but both correlate as facts and propositions. Reason can elucidate which are genuine virtues and valid codes of morality, and even redress human conduct from there, in which case we can attribute to good deeds virtuously performed also a quality of rationality. Intuition is capable of an immediate understanding of what is moral, but only through reason can we discover where moral truth and objectivity lie. As we have said, these relate to identifying a fact of nature, that which brings genuine human fulfillment. And only reason is capable of fashioning concepts and precepts constituting the body of ethics. In any case, Hume judged what is moral correctly as the most important determinant of human action (p. 672).

⁷Saint Thomas Aquinas, *The Basic Writings of Thomas Aquinas, Summa Theologica*, I-II Q 94, art. 2, pp. 774-775. Random House, New York 1944. The Aquinian theory of good, derived from Aristotle, is contained in the statement “good is that which all things seek after”, which allows him to assert that purpose is a characteristic of good, but not of evil, and to conclude that reason will perceive as good every inclination which is natural in man. His famous dictum on practical reason finds a handle in the above notions, which lend themselves to objections unless they are taken in context: Saint Thomas speaks of rational natural inclinations, already identified as good.

⁸It seems unnecessary here to go further in our investigation of reality, as we would if we began to delve into the subject of spirit, understood here as a life-transcending, self-sustaining entity, extant in a different plane of reality, and not as a psychological phenomenon. Because when, as in a work such as this, what is sought is to determine what is natural in socio-politi-

cal matters, what is identified as true includes beforehand every possible aspect of reality as it is manifested in that area. Supporters of dialectical reasoning would deny that, given that they see nature as a negation of *Idea* (and as its exteriorization or *otherness*), when actually there is a totality and thus an essential compenetration of *Idea* (or any equivalent) with nature, allowing an identification of at least a praxis of truth as soon as the nature of the exteriority is grasped. As we will be seeing, no dialectics can be conceived at this stage since existence as such cannot be conceived of in negative terms. In the process of becoming, Being always manifests as itself, except that in different modes. *Alterity* or *being in other* is only conceivable—in terms of genus-species, imprinting of categories or external determination—within an already existing multiplicity. And when the barriers of time and space are transcended, such a concept loses all of its appeal.

On a related matter, many object at any attempt to tie truth to nature, but limiting truth to an agreement of thought with itself—which is valid only in formal logical terms—makes of the former a subjective category. In order to provide trans-subjective contents to our way of knowing, logic itself must possess an objective determination, which we find in its ground in nature. This is in turn constituted by the gnoseological frame mentioned in note one, within a supposed uniform essential knowing capacity, such as general laws of nature suggest. In such a way, the abovementioned formal agreement can indeed offer a parameter of truth, but only in the measure and in the spheres which thought have suffered a previous determination by the mentioned ground. If man ties his propositions to his particular perspective of reality, without regards to objectivity, a possible outcome is a denial of the existence of truth or of nature itself. But here, even the most extreme moral relativist contradicts himself when he finds it necessary to set limits on what is permissible, since these limits become parameters of the truth. This, of course, only in a formal manner, for every knowing unit rises from a common substratum which gives it (as it ultimately gives everything that exists) the same essential reality and, therefore, one truth alone. The term truth is used here to mean the identification of a fact of reality, a conformity of the mind with the facts, that is, logical truth, the non-contradictory identification of the contents of our experience. I do not accept the so-called metaphysical truths because reality is neither true nor false, just is. But I acknowledge existential truths, which reveal the conformity of our self with transcendent reality, as expressed in living up to the spirit and in denying what is humanly unfulfilling—as moral imperatives do—that is, in the praxis.

The ability of matter to effect new creations does not contradict the postulated invariability of human nature, or the essential uniformity in how the latter develops its potentialities. Life, reason-conscience, and perhaps some higher biological creations, would be emergent events that integrate in man. But man, now substratum, has created nothing or evolved to anything that cannot be inferred, or at least pre-figured, from the characteristics he possesses as a man, with the possible exception of language. Neither society, nor the great inventions and theoretical creations—intelligible from the originating substrata and by-products of reason as they are—can be considered emergent events, except in the limited sense that any organic whole or totality can.

⁹Comte, Auguste, *A General View of Positivism*, Ch. II, p. 115, R. Speller, New York 1975. In *The motto of positivism: order and progress*, Comte says

that positivism places order on the firmest base, that of the doctrine of invariability of the laws of nature, which defends it against all the dangers of subjective chimeras. A worthwhile goal, to be sure, but there are subjective dispositions which agree with reality. The dichotomy between objective and subjective appreciation is misleading, except to deny that the subject can create reality, and in the common usage regarding emotional biases. Perhaps it would be better to make reference to irrationality, faulty logic, etc. than to subjectivity. Nevertheless, Comte also assigned positivism a subjective basis, the subordination of intellect to heart, alongside its objective basis, the external order revealed by science. Such an order should be extended to social phenomena, and would not be fatalistic because it would be susceptible of change (pp. 58-59). It would be an artificial order (although based on the natural one) which would reject the absolute without introducing arbitrariness. That is feasible because what is artificial is also natural—since it is nature which created the mind and hand of man—provided its qualification according to emergent criteria. But it is limiting to consider valid only that which has been contributed by science.

¹⁰Spencer, Herbert, *Structure, function and evolution*, Charles Scribner & Sons, New York 1971. Of the militant society it is said that the army is the nation mobilized, while the nation is the army at rest (p. 154).

¹¹Parsons, Talcott, Durkheim's contribution to the theory of integration of social systems.* According to Parsons, Durkheim's mechanical solidarity must be identified not with the lack of structural differentiation in society (p. 138) but with the integration of common social values. Durkheim himself relates it to the collective conscience (pp. 126-127). I very much tend to agree. Durkheim also links organic solidarity to the value system. Parsons instead relates it to the system of institutional norms—the structure of roles in society—and believes it was favored by the division of labor (p. 128). Norms are general standards of expectation of a lower level of cultural generality than values (p. 124).

On the other hand, in *The division of labor in society*, Durkheim asserts that punishment was zealously applied in primitive societies of mechanical solidarity** laws were repressive and had originated in certain religious practices. In organic solidarity: societies, however, the law and its codes are restorative: they are applied to repair a damage and their action is limited by a penal code whose enforcement is the responsibility of specialized institutions, as in the case of fines (Ch. II, p. 85). Durkheim says that judges today speak of law and not of punishment. Interesting, although his appraisal may be only applicable to the very earliest stages of human societies. In any case, he does not mean to link a repressive human disposition to a biologically determined social organization.

¹²The theories and analysis of T. Parsons are of incalculable value not only within the analytical tradition but for sociology in general. From *De la estructura de la acción social* (Ediciones Guadarrama, Madrid 1968), *Theories of society* (The Free Press of Glencoe, Inc., New York 1961), and *La sociedad, perspectivas evolutivas y comparativas* (Editorial Trillas, México 1974), we can summarize as follows:

Human action may be formally analyzed in four hierarchically ordered contexts, called action subsystems: the biological, the psychological, the

**Emile Durkheim*, 1858-1917, pp.118-153. The Ohio State University Press, Columbus 1960.

**The Free Press, New York 1964.

social and the cultural. These subsystems are interdependent and act together even though they exhibit a cybernetic order in their control of human behavior. The cultural subsystem is uppermost because it contains the most information as well as the symbolic elements of a society's knowledge, ideas and values. Every one of these subsystems has its corresponding social structure and particular function, also in hierarchical order. The behavior derived from the biological subsystem is controlled by the others in their order. And its function, adaptation, is also under the control of functions dependent on the higher subsystems, such as the function of maintaining standards which is dependent on the cultural subsystem. The above is an interesting and well developed theory because it places values on a higher hierarchy than the other determinants of human behavior. But, as may be the case with any such theoretical model, the understanding of behavior we gain from it can only take us so far. Why are values at a higher order of cybernetic control than biological needs and demands? What determines the significance of cultural values? Ethical values are learned only in the sense that they are acquired in the social milieu. They may be taught in the family or at school, among other places, as would be characteristic and a function of the cultural subsystem of human behavior. But beyond that these values have to be experienced and approved as good or correct by something that is higher than teaching or convention if they are to become effective norms of human behavior. When they are not taught, they may even guide behavior intuitively up to a point. The answer does not lie in the simple possession of greater information, but in the content of that information or, if we may put it this way, in its *logos*. Perhaps we could complement the model by incorporating something like the collective unconscious of Jung or the noosphere of Teilhard de Chardin to the cultural subsystem.

But here I would like to propose the existence of a fifth subsystem of higher category and hierarchy: the *existential*, corresponding to the primary spiritual disposition towards the world. One shortness of the proposed system is to give priority to the social over the individual. This is correct in regard to the control of the human conduct, but not in regard to its genesis, which is every person. It might be thought that the proposed subsystem corresponds to the psychological one. But its display goes beyond emotion, normal intelligibility, and the will. I must, however, leave the discussion of this subject for a latter publication.

CHAPTER II

THE SOCIAL DISPLAY OF ENTITLEMENT AND DUTY

We will essentially refer from this point on to the emergent-level expressions of the natural law of reality, and of these to the ethical aspect in relation to right, focusing on its ideological, not juridical systematization. The Hohfeldian formal approach, for example, is too suited to daily jurisprudential matters, and all its terminology of interest for our purposes—freedom or privilege, claim-right, power, liability, immunity and others—has an ideological correlative which gives that terminology its meaning. In ancient times, human law was considered a reflection of divine law, and natural law was deemed identical to moral law, the *logos* of the Greeks. Human law (*nomos*) changes because customs vary from era to era and from place to place, but it is assumed to be based on the *logos*, so much so that Roman law (*jus gentium*) was considered an expression of natural law.

Written law

By written (or coded) law I mean practical reason in its praxical expression of normative social content, as consciously known by men and agreed upon by them. The derivation of human law from the general natural law of reality is attained through the identification of the same principle (expression of identity) in terms of the general (the world, the cosmos) and

the specific (man, society), by means of a deductive process which, when it comes to the point of considering self-consciousness and its relevant attributes in the social context, extrapolates from the inertially and instinctively to the rationally normative—fitting our third criterion of moral systematization—and subsequently to the *de jure*, which includes the element of coercion as a way of maintaining peaceful coexistence. This is, in essence, human *nomocratic* law, the institutional protection and the political affirmation of natural rights. I have chosen this term because an alternative, conventional law, would seem to imply extreme arbitrariness; another alternative, positive law, might seem to indicate that natural law is unrelated to it, so that its demand for fulfillment is also arbitrary; and yet the mentioned alternative, human law, disregards the fact that natural law prefigures human law.

The high degree of evolution reached by matter with the coming of man adds a new dimension to reality: the ability and the need to make value judgments regarding its behavior, which are dialectic in character. These judgments are primarily based on intuitions of good and evil. It is clear, however, that a legal code cannot be developed from that level, which can only lead to certain spontaneous modes of moral behavior. Based on what gives him permanent satisfaction and enlightenment, or contributes to his welfare and social peace, that is, on what leads to genuine human fulfillment, man makes an abstraction and conceptualizes what is a value—what is worth keeping or pursuing—and later what is a right, based on that same value, which constitutes the origin of the rule consciously adopted. Some conceive of the law as separate from values, but even pragmatic legislation is destined to preserve practical values. The law is moral by nature, but it does not determine rights. Rather, it asserts them. New values—actually, only the preferences whose subjectivity is in agreement with objective moral reality can be called values—may emerge, corrupt or superficial perhaps, but they will always serve as ontological substrates for the creation of laws. In daily life, the practical aspect prevails: law is what the courts and judges ordain, the concrete expression of the common will, and a means of social control. We can also heed Kelsen, and regard the law as a normative social technique derived from a widely

accepted basic norm, as long as this is not limited to the level of a *pure law* unrelated to the principles of practical reason.

The law has been considered as a part of the culture, and the latter in turn as the total and integrated sum of learned behavior. That is true in the historical context, but in a the anthropo-philosophical one the law is derived from ethico-rational exigencies of the species. An elaborate system of rules and regulations can only be worked out when there is full awareness and experience of the varied problems and situations of a given group, giving rise to a (to some degree) willfully authoritative decision—the Aquinian *determinations* of the law. But it will always be based on an innate sense of justice which we assume is common to all men. That is why it is taken for granted that we must comply with the law, and ignorance of the law is no excuse. Others deem no authority able to claim legitimacy for it denies moral autonomy, forgetting that such autonomy expresses at the existential realm, not as unrestricted social behavior. Given these concepts, laws could be seen as instrumental creations prompted by the collective conscience in order to preserve certain value standards from forcible abuse.

To Hobbes, Descartes, and many others, it was power which created the law, not the law which created power. This is debatable. It is true that enforcement of the law requires power. It is no less true that before we can conceive of the need for power—political power, that is—we need to have considered previously what a right means to us and then conceived of a mechanism to protect it. Interconsultation was probably the first juridical structure to appear, and it presumably reflected the rules of familial customs and of the primitive clans. Once this primitive structure was created, as a part of what later came to be known as the social contract, it became the basis for subsequent juridical superstructures. The first laws might have arisen from the occurrence of human conflicts or from the need to organize a system of production, but always related to a meta-legal principle of ethical content. Kelsen regards law and morality as independent norms because they are not conceived to be simultaneously valid from the same point of view. This is a form of the legal positivist split between the social and normative contexts of the

law, which defines the latter in terms of its immediate socio-dynamic conceptual determinants. Only absent any notions of praxis can one endorse this atomistic view.

As stated earlier, this is not the place to attempt a formal study (I call formal any conceptual framework of polyvalent scope, that is, one which orders reality according to patterns or structures rather than to specific intelligible contents) or descriptive analysis of human law. The previously quoted text by Finnis (*Natural Law and Natural Rights*) and the classic work by H. L. A. Hart, *The Concept of Law*, provide adequate guidance. Neither is relevant here the distinction between private and public law. We are concerned with the fundamental value-object of the law, with right, because right possesses directly the ethical content which is expressed, among other ways, in the law. Hart himself is not far from this notion since he recognizes, despite the objections of legal positivism, that the development of the law has always been profoundly influenced by conventional morality and the ideals of each social group. That is why he ends up relating (human) law to a minimal content of natural law, that is, to certain elemental truths which concern all human beings, especially their aim to live. On his part, and in a similar way to Kelsen, J. Raz defines commands of legitimate authority as facts of the world which are reason for action (for doing what the law requires), just like the weather.¹ Thus, placing the irreducible in commands themselves, he advocates respecting the law because the law so demands it. And now, as if to mend such structural arbitrariness, he also concludes that there is no obligation to obey even a good law, and that men do so for prudential reasons, as when a substantial number of people obeys it. When we provide a substantive moral basis for the law, reasons for the mentioned action relate fundamentally to the primordial psychodynamic ground for the aspects of duty in a social order. Through such a basis we understand the theorists of natural law when they say that an unjust law is no law: they refer to its rational, not to its de facto or social validity. Written law, then, reflects primarily man's will to preserve a rational social order. Raz merely restates the issue of the rule of law in contention with the rule of men. The first concept is related to certain fundamental and universally fulfilling principles of jus-

tice. The second one refers to a concrete fact, that of a government which promulgates laws. As this approach does not transcend by itself from the factually to the rationally necessary, it cannot be deemed a moral reality. Therefore, only when a government abides by natural law and ideal will, the rule of law or state of right prevails and rules can demand compliance not simply because certain formal requirements of social relationships have been established. Accordingly, law does not regulate its own creation only because institutions which create the rules are at the same time regulated by them—since there are, in moral nature, higher parameters regulating such creation. The key concept of the rule of law, then, is not based in a sort of common acceptance of principles which apply to all, since that leaves things at the formal level. The importance that such principles be derived from the ethico-cultural field is stressed by the fact that legislators may subject themselves, in addition to everyone else, to unfulfilling norms.

Leaving aside for the moment a discussion of what is ideal, it must be evident that the search for consensus should mean an endeavor to ensure that the ideal is chosen as the norm, in which case unanimous agreement is not necessary to demand its fulfillment. Let us point out in passing that those who charge that the conception of ideal norms makes fertile soil for tyranny are right only if the praxis is inadequate; a *consensus*—one lacking in unanimity—may be equally dangerous. In relation to the subject of the next section, let us say in advance that some authors, Hayek among them, suggest that rights derive from rules of behavior, since these are observed even in animals as dictated by the needs of each species. In man, the right to property would derive from rules setting boundaries on private spheres of action. But the rules in this case have a rational basis—although they manifest instinctively in the beginning—and are rather a mechanism protective of a value, which results *a posteriori* from at the very least an intuitive knowledge of right. Bio-economic drives prompt not rules but modes of behavior: when rules appear, we are witnessing institutionalization, which incorporate contents irreducible to such drives and leading to normation. A rule followed without any awareness of its *raison d'être* belongs on the emergent biological level, from which realities such as right cannot be derived.

In fact, the concept of rights is an abstraction from a series of previous abstractions from emergent-level contents, such as Ayn Rand's concepts of consciousness—obligation and value or good among others. Only a notion of right-law identified with a formal, if not arbitrary, intelligibility of social order may be inferred from observing man's behavior. But even within such a limiting sphere of expedience, it does not in any way follow that the rule gives rise to the right: the causal sequence is not necessarily indicated by the path to the concept.

The changing concepts of the law reflect the collective variables in learned human nature as manifested in the customs and mores particular to each people. We will focus here on laws which correlate to fundamental rights, where legal means correct or ethical, and not on laws which have to do with the organization or the needs of the moment, nor on plain commands. However, even if these laws do not bear moral contents directly, failure to comply with them is often an immoral act. In this context, the secondary laws of a group would not serve to correct defects of the primary ones—as H. L. A. Hart asserts.² They serve, rather, to create a *legal praxical spectrum* for that group.

Doctrinal right

Like every moral reality, right—that is, every instance of right—occupies an ontological place demarcated by the four systematization criteria established in chapter one. Right is an emergent natural fact. As we will see, it also possesses a spectrum of truth which ranges from the absolute to the praxical; its principles are necessary as well, but they only find universal expression in the field of the rational. Finally, right is a dialectical fact, that is, while being an entitlement, its intelligibility requires a rational negative moment (duty)—both represented in the praxis by a clash of wills—and a solution.

In an attempt to understand how rights were conceived, two origins have been postulated: divine and social. The argument for divine origin is supported by the early association with religious rites and customs, but the concept of rights³ possesses a sustaining basis which does not need any religious foundation, even if the awareness and praxis of right histori-

cally had arisen through revelation. The second position can be reduced to two broad views: 1) the positivist-formalist orientation, which considers right the result of a codification unrelated to ethics and with no more basis than convention or a formal standard of relationships between the members of society, usually based on pragmatic-utilitarian tenets. Legal positivism distinguishes a moral, evaluative, meaning of right from a legal, non-evaluative one because rights are referred to as sheer facts in ordinary language. Everyday legal dynamics must be non-evaluative for practical reasons: once a set of rules is established, one tends to act within an instrumental or prudential framework of mind before such a set, and most legislation is enacted derivatively. But the moral bases of right are always traceable, as this section will make evident. Here we espouse 2) an axiological-iusnaturalist conception of right, the latter taking shape through socializing processes, in conformity with moral principles. Now then, we could argue that rights themselves do not have a distinct origin because they are born with man. But for an isolated man, a good is manifested as a value and not as a right until he interacts with others. The defense of values must in any case be effectively guaranteed, thus giving rise to civil, political or juridical rights (converging with the law). To that end, man avails himself of the mechanisms then at his disposal, the first of which must have been interconsultation between families, which led to the expression of rights in legal praxis (contracts), and man now accepts limitations (to those of his acts which affect others) on the basis of hierarchical decisions. Rights, then, are best conceived of as social in origin, although their intelligibility can be traced to family values and proto-legal praxes. This must not lead to the conclusions commonly held today: social origin does not imply origin by consensus. Rather, certain basic exigencies of the species are manifested as rights only in society, or at the very least in human interaction.

Every legal code, then, is a product of such interaction, rights being the most important aspect. Literature on this is very vast, but economic, psychological and so many theories on right can be related to the mentioned views. Rights may also be considered a historical creation, but always within an axiological-iusnaturalist context, which overcomes relativism.

Obviously, it would be difficult to label something as a right or a value if it were not either beneficial or necessary to man; the very way of conceptualizing right excludes this possibility. It would be like speaking of a right to injustice or to slavery. But not every arbitrary benefit can be the object of a right. If values—and the moral—were to be seen simply as derived from the need to maintain the social order or to survive, there would be no reason for any group to abstain from enslaving others or eliminating them, as long as in doing so it promoted its perception of its own welfare or contributed to the preservation of its social order, except insofar as it is natural for others not to let themselves be the object of such acts. Basing right on behavioral patterns implies assigning legitimacy to any notion of fairness or justification that their underlying spiritual disposition determines. Here the contradiction shows up: if the rationale for right is just behavior, there is no need to regulate the latter. Thus, we are actually equating right with whim instead of reason. The same stands for identifying right with that which brings about the greater good, for this is based on mathematical and sensible, not on rational standards: number of people benefitted or amount of assets gained versus number of people unfulfilled or amount of assets lost or not obtained. It will be clear some pages ahead that this contradicts a fundamental moral rule. In the matter at hand, the greater good is always achieved by doing justice. Absent superior normative parameters, the pragmatic-utilitarian conception of right can only lead to the imposition of irrational standards through pseudo-democratic praxes. Confronted with such difficulties, utilitarians have had to resort to the so-called principle of universalizability, which proclaims, simply put, that if I judge something to be good or right for me, and find myself therefore justified in pursuing, I must also recognize the same for others. Clearly, utilitarians have been forced to renounce their hedonistic ethics⁴ to rely upon a deontological one—although, strictly speaking, there is no difference in moral content between rules and purposes when the motivation of the spirit is the same. Actually, we can say that our concept of right relates to pragmatic-utilitarian precepts. These, however, do not rest merely on a comparative account of pleasures and pains, nor on practical goals unrelated to any principle or stan-

dard, but on the intelligible locus such affections and goals occupy within the moral axiological spectrum.

To Hegel, rights are based on self-determination—as a first position of objective spirit—which would be opposed to natural determination. He concludes that a right becomes real only through society, by sacrificing the arbitrariness and violence of the state of nature.⁵ Agreed, up to a point. Because the correction of the undesirable aspect of natural determination corresponds more fundamentally to what is superior in such determination than to society. The primordial idea of right is merely that of entitlement, which, when confronted by duty—its rational negative moment—leads to its absolute idea. This implies an understanding of what constitutes good for oneself, projected toward others within the context of the first principle of practical reason (that we must do good and avoid evil) as a basis for mutual respect. The so-called philosophers of the state of nature endeavored to explain rights, especially the right to freedom, on the basis of what occurred in such a state, in which everyone could supposedly do what he wished. Freedom, however, acquires the status of right only through emergent-level contents, and the power or absence of institutional impediments to do one or another thing does not qualify as normative or justifying criteria for any action. State of nature does not mean state consistent with natural law. Besides, the above notion of right becomes untenable when universalized.

Universalization is in fact an essential condition for every notion, theory, principle, system or practice of right. Since the conceptualization of right begins with values which one way or another we find essential for the self-fulfillment of every member of the species, and since right presupposes reciprocity—what to a person constitutes a right, to all others it is a duty—its enjoyment by anyone must not hinder its enjoyment by anyone else. If, for example, we presume any one individual free to do as he wishes, we must concede to him the right to enslave others, who would thus be deprived of what we zealously defend for the first. At the risk of sounding redundant, the above demands a rational non-contradictory universalization. In other words, a prequalification, lest certain non-contradictory universalizable propositions—formally non-contradictory but arbitrary, that is, of the conception of right under

analysis—be validated as rights even if their content and the results they display prove contradictory to natural exigencies of the species and to the ensuing principles of practical reason. If we do not assign priority to life, and if we dispense with the objective intelligibility of good, attributing a fulfilling character to the play of free will, the *right* to kill is universalizable without contradiction.⁶ Without going to extremes, that is the case of certain propositions of right based on need. Making the irrationality of such propositions manifest is a fundamental theme of this work.

Rights are spontaneously known by intuition, and they can be said to lie on the *volksgeist*. But only when the innate popular conscience has undergone a series of rational depuration right appears as the social value par excellence. Any distinction between natural and political rights (from a humanistic or ideological standpoint) is, although useful, only one of the moral moment, because both are expressions of the same basic values and because what is exercised in a society is natural right in the institutional context, that is, nomocratic right. In more practical terms, neither customs nor legal codes are, strictly speaking, determinants of new values but, à la Thomas, ontological necessities for the social elements organized towards the goal of a joint affirmation of natural values.

Any entitlement endorsed by the commonality and intended to maintain internal order could be considered a right. But such a concept is limited, not only by the inevitable absence of unanimity, but because a more basic justification for right is to be found in the values imbedded in nature itself, which become correlates of the principles of practical reason through human interaction. Right, then, in general, would be everything that everyone must consider an object of respect in anyone. This, of course, requires specifications. In our praxical locus, by (civil or juridical) right I mean the entitlements, faculties and mechanisms which every social being is due and must be provided in order to realize his innate potentialities and the values demanded by his rational nature, in the measure of his contribution toward the realization of the common good. This notion is built on reciprocity as a fundamental conceptual determinant of right. That is not to say that whosoever does not contribute to the welfare of the group does not for

instance have the right to life, even though no means for survival are created simply by living. He may demand the right to life reciprocally to anyone else, but no one will guarantee him unqualified sustenance or the means to make life abundant and fulfilling. What is implied in that, just like in freedom, is a *de jure* and not a *de facto* ability to fulfill such potentialities and values; otherwise it could be argued that there is no right (or freedom) to go to Mars simply because in actuality no one today is able to do so. The above definition applies, above all, to rights we shall classify (later in this text) as conditioned—such as property and power—because they imply a merit to be justified. Others, such as the right to life, are considered unconditionally deserved except in special circumstances. We are primarily interested in the former because, depending on how they are conceived, they characterize political systems. The right to life relates more to criminal law—where justice identifies rather with a repressive meta-ethics—although in civil law might be expressed in terms of a universal right to minimum sustenance.

Beginning with Hume, and including some forms of utilitarianism, many hold to this day that as long as all that is considered is the object—a human act related to what is usually considered in the realm of morality, for instance—we will only see motives, passions and thoughts as matters of fact, and no concepts pertinent to ethics, such as vice, virtue, values or rights. Such concepts, they argue, appear only when the subject is considered; then things become good or bad, actions right or wrong, according to how we feel about them, when in themselves such categories are not applicable. Actually, the argument holds simply that moral categories would not exist if humans did not display certain attitudes or emotions toward certain life situations. That could not be more evident; what is amazing is how it is turned into a negation or a relativization of moral nature: it is precisely such attitudes and emotions which make evident an objective existential state leading to a necessary (moral) judgment on human action or to (moral) action taken as a consequence. These judgments and actions are important in that they occupy a very special ontological locus in the spectrum of natural expression. The thing to remember is that they are necessary only in the context of the

rational—as we established with our third criterion of formal systematization of moral phenomena. It is precisely the rationally necessary judgment on what must be which constitutes the fundamental determinant of the aspect of duty found in every moral reality, and particularly in right.

In a transcultural context, right—while it fundamentally constitutes itself from the subject—is an objective reality in the sense that it manifests a necessary determination that occurs in the interaction between men and between these and the world, whatever the nature of reality might be. A subjective right is a conceptualization bereft of any doctrinal foundation, and not uncommonly based on the need to cope with psychological insecurities. Such a *right* might be placed within the formal parameters of moral reality, but cannot satisfy certain principles we are about to present. It will become clear that such abstractions actually reveal irrationality or existential distortion. Given that the mind should conceptualize according to logical parameters (which point objectivity), the elaboration of the concept is not subject to whatever spiritual disposition (feelings, desires, volition), as those subjectivists maintain who aver that thought creates its own reality. Only when the spiritual action exercised over the world is rational does the sphere of reality so determined coincide with truth. Subjective determination, then, is to be integrated as an objective element—beyond any particular subjective appreciation, that is—of the interaction which generates right. This integration must make possible the unmistakable knowledge, not for example of the nature of the things which are possessed (which, by the way, is unnecessary), but of the relation between those things and man in the proper emergent context. Let us not make the mistake of attempting to judge what is ontologically superior—human possession—with criteria which apply to animals and other inferior realities.

Two aspects of right, of a situation of right, that is, can already be traced to moral *impressions*: the positive or enabling aspect, allowing us to enjoy a good, and the negative or precluding aspect—meaning not a denial but an affirmation of morality—excluding that good from our sphere of action and placing it within that of another one. It is this latter which manifests as duty, giving rise to a moral conflict or polarity

which, according to the division described in chapter one, presents itself to consciousness in the form of formal dialectics of right. This duality is overcome in the absolute idea and in the concrete instances of right, both aspects becoming univocal—I use this term to designate two moral instances, moments or entities whose will runs in the same direction or aims to the same goal, and/or a resultant showing the same will with the entities or their redressing to a rational expression. Right then appears precisely as the synthesis of (juridical) permission and duty. And thus is created a situation of reciprocity: what for me constitutes a right, to others is an obligation, and vice versa. This gives rise to another requirement indispensable to the notion of right: permanence. That is, as long as the conditions generating obligation (or, reciprocally, permission) are maintained, so will right.

Although not every moral norm must be placed in a legal context, every right must correspond to modes and rules of morality. Absent such correspondence all that is determined is parameters of general welfare, regulation, commitment or agreement—perhaps arbitrarily deemed beneficial and guarantors of social order—but not (nature-based) categorical imperatives. It is spontaneous to choose life, for example, but this can hardly be judged from a moral standpoint. It is moral to respect the lives of others, however, life being determined as a right only in the social context, or at least in human interaction. In fact, such acts as an isolated individual may engage in (to take possession of something, for example) to ensure his own survival—or appropriations which may take place in a group but are regulated basically by instinctive drives—are best regarded as pre-moral. Right arises from a specification of what is morally permitted and what is prohibited in social human action in regard to such goods. In the presence of others, and even more once property has been assigned to specific entities, appropriation can no longer be an ethically neutral act: its purpose and the way it is carried out then determine its moral legitimacy. This is because the act of appropriation only reaches the biological level of emergence in the first case, whereas it reaches the level of reason-conscience in the second.

Moral rules are praxical proposals (belonging in a praxical spectrum) to solve the dialectic conflicts posed by human

nature. Specific moral norms derive from certain judgments of conscience guiding action—Grisez calls them *modes of responsibility*—which in turn constitute specifications of the first principle of morality. Those who wish to delve into this matter are advised to consult his *Christian Moral Principles*, chapters seven to ten. But as it is germane to our analysis, let us quote from his second mode: “One should not be pressed by enthusiasm or impatience to act individualistically for intelligible goods,” from which important rules are derived to counter an unnecessary individualism opposed to a will or disposition toward integral human fulfillment. Or from his fifth, “One should not, in response to different feelings toward different persons, willingly proceed with a preference for anyone unless the preference is required by intelligible goods themselves.” Thus are avoided partiality and discrimination not based on principles. Six other modes of responsibility complete his outline, more than anything illustrating feelings which must be resisted in the pursuit of integral human fulfillment. Although positive praxical moments—exercising an entitlement, for instance—operate within a moral framework, only rarely constitute morally good acts by themselves. Thus, rules of morality usually relate to *negative* (duty) moments. On his part, Finnis postulates nine requirements of practical reasonableness, notably harmony of purposes or a coherent life plan (implying, among other things, that rules of morality cannot be considered in isolation but rather as elements in a train of practical reasoning), no arbitrary preferences in values (implying that every basic or intrinsic human good must be considered a basic or intrinsic good), and no arbitrary preferences among persons (implying that one’s moral judgments and preferences must be universalizable). The second requirement bears clarifying: basically it states that there is no justification for depriving someone of a value, or of the opportunity to obtain something he (rationally) considers valuable, on the basis of some arbitrary ranking which deems such a value inferior to another whose fulfillment or pursuit is given preference—as in the case of state overplanning, I gloss. In the scheme that follows, this requirement is related to what we will term the principle of inalienability.

A systematic derivation of the rules of morality starting from the facts of nature—which includes a hierarchy of the moral spectrum—belongs properly in a specific treatise on natural law. Readers will find here some bases for such rules, but more importantly a brief sketch of how certain ethical norms correspond to what I describe as the principles of nomocratic right, which makes them parameters of good. As we examine the socio-legal framework within which man functions, and the doctrines proposed over what such a framework must be, these principles will become fully integrated within a rational political design. These represent the specific modes of moral responsibility which allow the achievement of integral fulfillment within the realm of human relations we call political life. We can reduce these principles—which in their overlapping encompass universalization, reciprocity and permanence to three, as follows:

1) Particularization. This states that every instance of right will refer to units. Particularization is implied in the very concept of right, as two sides are assumed to be reciprocally the subject of entitlement and of duty, and lies in the self-sustaining nature characteristic of moral entities—let us note that the self-substantiveness of the polar units does not contradict the need for their joint intelligibility, for the whole they conform depends on such self-substantiveness. Thus, good must be realized in each referent of moral action, each one possessing unique requirements and qualifications for its fulfillment. The case which concerns us the most is that which confronts the individual with the social whole. Since, as the following entry explains, every practical instance of right demands a quantification of sorts, what is generic in these matters only qualifies as such within what is both commensurable and commensurate in every one of the species (the particulars). Thus, we cannot take into account only the intelligibility of goods in terms of a paradigmatic or standardized conception of their potential to bring about human fulfillment, but must also consider the unique conditions under which such a potential is actualized. The moral rule derived from these considerations may be enunciated as follows: “In the pursuit or in the distribution of intelligible goods, we must not act in such a way that individual requirements for self-fulfillment are sub-

sumed in those of others." This is extrapolated to political life when the various factors which determine a relationship between man and goods in societal dynamics come to play. The fundamental meaning here is that the common right will always be separate in some sense from individual instances of right, the former thus being unable to disqualify the latter by itself. This is because individuals add their own specific contents to the generic contents of right.

2) Meritoriousness. This principle reveals the most objective basis possible for the justification of entitlement to something, particularly property. This principle is based on the practical fact that the reservoir of many goods is not so large or accessible as to fulfill everyone except through an appropriate action to create or procure them, but previously and more importantly, given that it constitutes the very basis for the moral rule cited below, in the fact that every human being is responsible for himself and for the pursuit of his own welfare. Meritoriousness, then, implies that the enjoyment of any right—excepting justice, for reasons we shall soon see—demands action on the part of he who enjoys it, such action varying according to how the objects of right are sustained. Life, for example, is not something we appropriate out a common pool, or that we generate through a conscious effort. Thereby the right to life is considered deserved out of a sheer respect for the dignity of the human person, and does not demand merit (in the sense of productive action redounding in the common good) for its justification, with the obvious exception of refraining from becoming a threat to others. In the case of material goods, having created them or the conditions for their rational allotment is a necessary prerequisite for the enjoyment of the right to property, since otherwise there would be no orderly and lawful appropriation or such things as objects of appropriation, excepting what raw nature may offer. As we shall see in due time, there is also a kind of abstract action in the fact of constituting a society, which justifies the universal enjoyment of certain goods. In short, our second principle can be stated thus: "The lawful enjoyment of any socially significant good must be based on an action rather than on a condition." This latter may be need, poverty, or some other similar situation. A substratum-rule for this principle deals precisely with

the hierarchy of need and merit. But as we will discuss this in length later, I would like to focus here on the following one: "In the event we are called upon to decide whom to favor with a good, we must act in such a way that its assignment not be based on the need (for the good) unrelated to the pursuit of integral (universal) human fulfillment." This relates to the quoted fifth mode of responsibility, referring in this case to the need to avoid partiality and misallocations of the social patrimony based on feelings, political affiliation, etc.

And 3) Inalienability. This principle is related to permanence, the latter implying that an entitlement can only be terminated as a result of loss of the contents which make it an obligation for others, and not in order to fulfill another obligation. The outline offered by Grisez seems somewhat lacking in its consideration of the individual, condemning personal selfishness while understating the same in whatever happens to be its counterpart. In his modes of responsibility, it must be noted, Grisez is primarily concerned with personal conduct at the deepest level of morality, while the rules which serve as inferential bases for the principles of right are also general guides to organizational (yet pre-legal) behavior. The principle of inalienability relates to several ethical rules, the crucial one—the first and a fundamental logical corollary of the FPPR and the FPM—stating that no act which attains a good for someone can be considered moral if it entails divesting someone else of the same or another (legitimately acquired) good, irrespectively of the nature or the fulfilling capacity of the goods in question or the need for them, and of the number of people benefited or unfulfilled. The principle of inalienability may be expressed as follows: "No good can be done by sacrificing a right, and no right can ever be satisfied at the expense of another."⁷ To dispense with this rule means not only failing to act but actively denying self-fulfillment to someone.

We must carefully assess the cases where damages are incidental and unintended as an end when legitimately acting for a good—as killing in self-defense—or where damages can be compensated—as in the instances of right dealing with priority to be discussed later. Also, there is an area—dealing with humanistic and religious precepts which we will examine in chapter thirteen—where we will assess the transcendence of

our principles towards absolute values and we will prove that they belong in the same praxical spectrum. Our third principle, let us note, does not mean that entitlements can never be terminated. In fact, when their rationale is lost, all we can terminate is arbitrariness.

The principles herein discussed conform a framework of juridical and supra-juridical legitimacy which allows us to identify as immoral every system, tenet or practice where distribution is the result of need-based assignation as well as from other factors considered worthy, but alien to every objective parameter of judgment on contributions towards the common good. The principles of nomocratic right even suggest themselves in the most basal intelligibility of the correlation entitlement-duty. If we must differentiate between who is a subject of entitlement and who is a subject of duty, it is because right must refer to units. At the same time, the entitlements or duties of those units must relate to an idea of fairness, which can be nothing else than what they deserve. And finally, what they deserve cannot be transferred to another subject of right without thereby denying those units their entitlements. Thus, it is possible that even now it can be glimpsed that only by complying with the precepts proposed here are the first principle of practical reason and the principles of morality satisfied, making it possible for everyone and for the group as a whole to legitimately achieve (legal or juridical) self-fulfillment, that is, attaining universalization in a non-contradictory manner to reason and nature. Our principles imply no arbitrary preference for some people over others, because no one pre-qualifies as legal beneficiary of a good, and because they prevent the alienation of goods on the basis of any parameters other than what each one gives of himself. Obviously, a precedence of merit over other alleged sources of right (need) is implied here, since any conditions or facts—insofar as they share spheres with socially significant categories, such as legitimacy—do show a hierarchy, as they become integrated with values and the pursuit of human fulfillment. By analogous reasons, the values of the particulars, institutions, groups or systems are not hierarchically ordered, except through the intelligibility of such values. Thus is juridical equality attained and the bipolar affirmation of every

instance of right guaranteed. A primary purpose of this book is to demonstrate that there are ways of achieving this, but that they can only be found in the capitalist system.

Praxical right. The sources of right.

The previous considerations refer above all to doctrinal right, to its characteristics insofar as its principles are projected universally in abstract. But although we can establish a series of provisions which set a framework of legitimacy, in daily life this does not suffice to guide human behavior; right must be qualified in order to determine differences, hierarchies and other matters which point out its specific subjects and their legitimate spheres of action and entitlement. This requires some sort of quantification, which as we shall see must fundamentally be carried out through free interaction (as in the market, for instance), and since the second principle of nomocratic right is ideally suited for such a thing, right is qualified on the basis of quantifying the (legal) sources of merit, that is, evaluating the measure in which specific human actions provide, implement, create, produce or guarantee either the goods or the tools which allow the enjoyment of those goods. Other means of qualifying, such as need, are less rational, since they lack objective quantifying criteria. Obviously, need neither provides nor creates anything. That is praxical right, identified with an actual historical moment and with specific instances of conflicting claims. Since this discussion is linked to the concept of justice as it is applied in various contexts, it seems preferable to save it for subsequent chapters, especially chapter six of part one, and we will limit ourselves here to the study of certain aspects of the various sources of right in order to establish the grounds for subsequent discussions of its practice as it applies in daily life. The problem lies in that the criteria for legitimization may be subjective or even irrational, resulting for all practical matters in entitlements which are based not on reason but on emotion.

It is quite generally believed that morality changes according to the group and the times, but that is true only of adaptive variables and not of basic absolute criteria. By absolute criteria we mean those which the most rational and morally

evolved men would follow in regard to a value, independently of circumstantial conditions.⁸ The problem usually arises from the differences in customs. But unlike fundamentalist customs—which actually constitute moral rules in themselves, such as honoring a debt—adaptive ones (deriving from the immediate relations between man, considered essentially as biological being, and environment) do not reflect permanent social values or rights, unless such customs possess a high praxical level. A socially accepted behavior may be statistically normal but grossly abnormal in terms of human fulfillment. This is the case with customs that represent value codes which are less evolved or even downright anti-ethical. When nature and reason are the standard, we must be able to find the orthopraxis. Some freedoms, for example, may be restricted if necessary without falling into injustice, as long as what is implied is not coercion but rather a universal and rational expression of freedom itself. The restriction in this case is determined by the expression of higher-category values.

The most typical example of a custom lineage derives from the defense that society makes of life, which can be promoted in many praxical conducts, methods, mechanisms and prescriptions. Life remains an absolute value within its sphere. But as the following section explains, as higher-category values express themselves, an *overriding praxical spectrum* is created, as seen in the case of legitimate executions. Justice may be applied by the aggrieved or by a third party, but when we differentiate between the morality and the customs of the savage and those of civilized man on that basis, we refer only to praxes. From the need to further life, a spectrum of positive and negative moral imperatives with a content of truth is born. Some of those are absolute, as the condemnation of murder, because killing an innocent or a non-aggressor lacks in any content of justice. Justice is, thus, the standard of praxis and truth in all the matters concerning right.

The FPPR and FPM, let us note, provide similar ground for doing good than for avoiding to cause an evil. Preserving one's own life by killing an aggressor poses the typical problem to be solved here, and the guide for legitimacy will be found in the specifications and subspecifications of such basic moral rules, principles of right and legal provisions typifying murder in our

case, which will determine the framework of justice in which the action takes place, where the crucial matter is determining who starts the chain of violent events. Whoever so does works against the constitutive principles of society and usurps or denies alien sources of right, and thus disqualifies him as subject of reciprocity, or, which is the same, places himself as subject of negative reciprocity. Thus, the termination of someone else's life can be justified when we are faced with the violation of a fundamental right or value, as in the defense of honestly acquired property—within strict confines, of course. As the fundamental motive here is safeguarding a right, the evil caused by killing the usurper remains at the sensible level, and is transcended by the overall good attained at the rational level by fulfilling justice. As this does not imply proportionalism, the third principle of nomocratic right is not breached. Were we to find sufficient variation in the interpretation of what constitutes murder or similarly crucial matters, we would be denying that man can distinguish between good and evil except in an arbitrary and utilitarian sense. When such a thing occurs it is simply because an amoral code of values prevails. Of course, there has never been a human society which has expressed opposition to freedom, the right to property, or respect for the life and limbs of every one of its members. There are, however, societies ruled by anti-concepts of these values and of the criteria which must legitimize the enjoyment of these rights.

Some culturally determined differences in criteria are acceptable, especially when dealing with difficult concepts of honor, because a respect for what each society rationally deems basic to human dignity is an equally fundamental right. Such basics are also determined according to a nature common to the species. We cannot, however, grant validity to a degenerate or decadent custom even though it may be quite widespread and thought to be a source of rights; custom does not imply orthopraxis. Man usually judges as good whatever is to his short-term advantage, and even when untoward consequences (internal dissatisfaction, conflicts, etc.) soon follow wrong choices (incongruent with nature) man persists in his behavior as long as it brings him coarse satisfactions. But that is precisely what some label and accept as a valid though dif-

ferent criterion of the good, when in reality no genuine human fulfillment derives from such behavior. Also, men usually tolerate or even endorse pernicious habits as long as the negative consequences do not directly affect them.

Of course, judging the ethics of a custom is often a most difficult task, involving unprejudiced and exhaustive sociological analysis. Such judgment must be based on absolute criteria, but the level of rational, historical and spiritual evolution must also be considered if we would grow in our understanding of man, because such criteria must be expressed adapted to what each society or culture is able to assimilate. Thus, absolute criterion is also to be understood from the perspective of a praxical spectrum comprising less evolved behavior as a function of that which is more evolved, and identifiable with dogma or superior truth. In order to gain a real understanding of what is natural or just, then, it is imperative that we analyze every circumstance touching on the channeling and expression of human nature in its diversity. It then becomes easier to discover the fundamental aspects of right which are common to every moral society. It is only difficult to understand their orthopraxical expression in each instance. Right, understood in praxis, prevents the error of acting without an image of the highest truth as a model, as well as of forgetting human limitations and attempting to squeeze blood out of a turnip. But when its notion is an objective one, the demand for fulfillment at every particular step of its praxical field of expression is absolute, invalidating what muddled or irrational thought make the norm, that is, what is anti or pseudo-praxical with truth.

When an individual is guilty of a misdeed which does not affect any de jure entitlement, corrective legal action is unjustifiable and even a danger to freedom. In addition to guaranteeing the baseline praxis of rights, human law has jurisdiction only on matters which directly affect the social order, as we discussed on note three. But natural rights may also be altered, limited, denied, or at least ignored, by anti-ethical customs and value standards. Customs reveal part of the ethos of a community, but, more exactly, that of the diverse sectors of its population. The term custom may be understood as a universally accepted practice, entailing its endorsement through the law or

the collective conscience. But the fundamental spirit of a people is not necessarily that of its influential sectors, and many customs originate in prejudices or have been imposed by one sector of the community upon others and subsequently inculcated. And moral contents are independent of point of view, acceptance or institutionalization.

We may accept a code of values arrived at through choice (or convention) as morally good, as long as conditions are respected which ensure the well-being, survival and dignity of man demanded by his nature. We may not, for example, accept as legitimate the praxis of value standards structurally bound to cause unfulfillments. Values cannot be a matter of personal choice: even though this is an essential determinant of morality, its outcome is not necessarily a moral good. The ideological concern arises when some must abide by the value standards chosen by others, as those written in a political constitution. But if they were a matter of choice, adherence to the principles of such covenants could only be demanded from those who specifically made them the objects of their choice, for otherwise we would be forcing them to live an immoral life (according to their standards). Orderly (we are not saying legitimate) social functioning can only come from the praxis of values which are necessarily accepted, or at least abided by. In that respect, value standards which should be deemed as moral have always manifested respect for the rights of individuals. Man, through creative action, is the universal source of all rights, and though rights only become evident in society, within society every individual is the main source, for which reason it must also constitute their object. This does not exclude the community since it commands its own source of rights in the collective creative action which is implicit in the contractual-functional-formative principles of every social order: 1) sharing a common destiny, 2) seeking a common good, and 3) respect for a common principle.

Now then, while some rights, such as freedom, are born with the social individual, others are acquired through effort, basically one's own labor. Status, for example, can be considered as a source of right; but status is itself the product of human action, creation and achievement. Merit, then, is the paramount source of right. Within a group, however, the sat-

isfaction of some needs may acquire the category of right in itself. This relates to the previously mentioned principles of social order, which we will examine carefully in some subsequent chapters.

Categories of rights

Specific rights correspond to specific value referents in the general concept of right. Locke postulated three kinds of natural rights according to their objects: life, freedom and property. In his perception, the most comprehensive right was the right to property, which he viewed as rather encompassing: the right to life was to him the right to have life.⁹ As I see it, the most encompassing and wide-ranging right is the right to justice. We may classify rights into three categories: absolute, total and conditioned. We will not deal here with secondary rights which may derive from special customs and habits, or depend on the role played (or position occupied) by certain members in the community. The first two types of rights are secured simply by virtue of one's existence. The rest are generally earned through work.

Absolute rights. By these I mean the right to justice. In judging man for what he is, it encompasses and qualifies all the others, and is thus better understood when analyzed together with each of them. I consider justice an absolute right because it identifies in an immediate way as the fundamental value correlate of right qua right, so its definitional terms are practically universalizable. In the same way, in its dialectic display justice does not exhibit exclusionary or limiting spheres in the subjects of right, and instead determines the spheres of other rights. We may consider that we have done justice when we rule in favor of one side at the same time that we rule against the other, justice remaining unrestricted in both poles, although with different sign. Justice, then, is the basis for synthesis as well as for a practical enjoyment of the others, for identifying individual with communal purposes, and thus for peace, as well as for the parameters which, through the exercise of all other rights, determine the priorities in the pursuit of human fulfillment. There are false and anti-concepts of it, but justice needs no addition of second intention in order to

identify directly in any system or event with an end in itself—beyond the biological scale of values—thus not needing any merit for its enjoyment. The factor of creative action in this case is patently irrelevant.

Total rights. These consist of two: life and liberty, although the right that our dignity and honor be respected—which can even be considered absolute in the purest humanistic sense—is to be included here. Freedom is here defined in its most critical sense, in which it is unrestricted because it does not at all hinder the expression of any right in others. That is also the case with life, for which reason these rights need not generally be qualified. In certain cases, however, we may deprive someone of life or freedom without attempting against right qua right and without falling into injustice, as when a criminal is incarcerated or put to death. Other freedoms are better classified as conditional rights because they may interfere with the rights of others. That would be the case of the freedom to do as we please. Total rights have a specific sphere of priority over the ones that follow, but both take a back seat to justice.

Conditioned rights. All the other rights fall into this category, the most representative of them being the right to power and the right to property. Their basic characteristics are that their unlimited mathematical expression (such as completely hoarding vital assets) would interfere with expressions of their rights by others, so they must be acquired in some manner, generally through work or inheritance, except at a minimal level. These are the rights which most pressing need to be qualified by justice, and in addition to them we could mention most freedoms (transit, association, etc.), or institutional services and benefits, such as health and education, when institutions are called upon to provide them. But each human group has some of these which are characteristic to it and not found in the others. Their exercise is regulated by social norms and circumstances, and, in formal juridical terms, society grants them to individuals as civil liberties. Some of these rights, such as the right to property, are basic, while others are secondary. The former may find different expression, but are never absent in a free and moral society. The absence of the latter—the right of suffrage, for example—does not necessarily signify tyranny.

The right to power

Power is generally defined as man's influence on man, although ontologically it is a need of every rational social order and derives from the enabling dialectical aspect of the moral fact. In times of peace, (political) power is legitimately and basically obtained in two ways: through high militancy, and, in a relational context, through appointment, election or inheritance. Thus rise to power those who distinguish themselves under arms, in the church, and in the affairs of state. A limited power is also available, through wealth, to men who stand out in fields such as administration, commerce, and others. In war or crisis, action which safeguards the basic principles of a people is also legitimate grounds for the attainment of power. Thus, while as a general principle of social order a legitimate exercise of power requires the consensus of those who submit to it, whenever the established order is unable to guarantee or threatens the enjoyment of any other rights, the exercise of a redressing power does not need consensus to be legitimate.

The right to political power is unique in that, since it implies that some have to take decisions for others, it is not for everyone to enjoy it. There may be a right to have the opportunity to gain power, though not always the highest authority (the distinction between this authority and power is unnecessary), but even that is dispensable, for power is destined to impart justice, unify fates and maintain order, and that can only be achieved from a nucleus which represents the whole of society. That is what justifies extending to others the rule that some have accepted to abide by in civil society. Political power (or its exercise), then, represents the praxis par excellence to ensure the state of right, the result being as though we all had it without falling into anarchy. That is why in many spheres or manifestations, power displays the ontological category of freedom: sovereignty, for example, represents the assertion of collective freedom. He who wields power over something owns it, in a sense. Although in those states where property has supposedly been abolished no one owns title to property because it would be illegal, the right to power (or rather to its abuse) has not been abolished and those who wield it have no need of titles to enjoy their riches. Property is blamed for everything

that ails man. Social organization, however, is determined by the structure of power much more than by that of production because the latter can neither be established nor maintained without the former. The fact that any economic structure generates ad hoc positions of power is analogous to the case of enterprises, and it is patent that any such social outcome resulting from changes in their economic structure will be the making of entrepreneurs (of their power).

The right to property

The right to property can be identified with the right to the use of a thing and to the enjoyment of the benefits such use provides. The expression of this right is restricted only by the rights of others, but also by the practical fact that a measure of supporting material medium is a demand of nature which can be shown to exist in every organism. The nature of man justifies property; not only in the context of a biological demand but, as we will be learning, a tool for his social fulfillment. If primitive man had not had the right to take what nature offered for his subsistence without a consensus, he would have starved to death. Man makes something his own on the basis of a personal want, if we follow Hegel, or removing a part of nature for his own use and benefit, according to Locke. Later, in the light of reason, these acts become ethical and legal through his interaction with others.

Initially, things belonged to the first one who found them, and arbitrariness was a fact of daily life, much the way it is in the animal kingdom. At this stage, what society, or the extended family at least, can enforce must have been very basic and mostly related to perishable goods. Later, colonizers claimed a plot of ground as their own and, on the basis of seniority, excluded everyone else from enjoying its use. The caves that sheltered them, the land they hunted in, the pond they drank from, all in fact became their territories. Let us note here that, although no meritorious action is present from the part of the settlers, neither is it from anyone else. Thus, we can deem seniority a rational parameter for the legitimacy of appropriations. Some believe that in the so-called primitive communism of tribal societies there was no awareness of

rights or of the law. Nothing could be more wrong, as it will become clear in chapter eleven. With the passing of time, practically everything came to be assigned to groups, nations or individuals. The following generations, then, came by their property through inheritance or labor. They could no longer claim title arbitrarily as in primitive times because everything had been assigned. That is why the right to property came later to be interpreted, not as permission to grab what one needs, but as the right to acquire it through work or inheritance and to keep what has thus been obtained.¹⁰ More than anything, man in society has attempted to develop a power which effectively guarantees the right to property and regulates its use.¹¹ Man's pursuit of what is in his (material) interest and benefit are natural inclinations which must be channeled, not opposed; laws limit arbitrariness, not freedom. Thus, man must be able to have as much as he can legitimately obtain and properly manage and control. In a social milieu, man must legalize property to avoid problems among individuals, by putting into praxis at every historical moment what the cultural foundation and the collective conscience deem to be honest acquisition.¹² The right to property, then, must be claimed on the basis of seniority, a grant (inheritance) or work (creation, purveyance or guarantee), although socio-cultural sources are also to be taken into account. The theory that the right to property is established in order to protect the rich from the poor or the haves from the have nots is incomplete and misleading. What is protected is the right to keep what has been legitimately acquired from the whim of haves and have nots. The object, then, is to counteract the rule of force.

One of the main errors in the philosophy of right is the radical distinction between private and collective property. Actually, only universal property is not private. All communal property, whatever belongs to one group to the exclusion of others, is private for that group. Strictly speaking, then, we have the private property of individuals, the private property of groups, the private property of nations, and even a universal one, all rooted in the same value. We immediately link group settlement with collective rights, but the family is there in every group, a natural unit—differentiated from the

whole—of support, responsibility and labor. That must give rise to a particular right, specific to the family, which must later become even more particularized for similar reasons. Durkheim believed that lower individual conscience in very primitive societies was a major factor in the lessened appreciation of individual rights. Communal rights of this sort are a reflection of *mechanical solidarity*. But this is only praxical at such a historical moment, at any other, it alienates man.

Property fulfills and constitutes a basic need of the species: no one can function, much less survive, without appropriating something for his own exclusive use; but to reach the status of right it needs a content of justice. Wherever relevant in subsequent chapters, we will be making clearer the rational basis of the private and merit-based formulation of the right to property, versus the inconvenience and danger of the collectivist and need-based formulation. We will show that the private formulation of this right does not imply deprivation for anyone. Instead, it promotes its universal exercise by each and every individual according to his contribution to the advancement of the common good. Man has extracted the concept of justice from all that has been mentioned above, and has built a legal edifice—a praxical framework—based on them. Communists, however, would have us believe that these events originated in the desire to subject certain social classes. They also label natural rights as *bourgeois*, and by abolishing them they also abolish the rational state of right. As will be amply demonstrated, only a particularized conception of right can raise the stature of man and support his social realization.

* * *

I intend to show in this book that it is those who make up capitalist society who truly live in freedom and obey natural law. In order to do that, our main tasks are: 1) to demonstrate—through the incorporation of new instances to previously formed concepts (objectivist deduction)—that a genuine moral life (fundamentally in reference to dialectics in social matters, where, although an organic polarity is present, some ideologies deny validity to one of the poles, that of the group or that of the individual) and the principles of practical reason-

ableness only take shape and hold in all the relevant situations which arise in the capitalist system, and 2) to demonstrate systematically—starting from social phenomenology as manifested in the praxis of religious and political doctrines, institutional creations, and great human movements and conflicts—that the concepts of the common good can only be derived from those situations which result in the practice of the capitalist system.

Towards the first end, it is methodologically unnecessary, not to say bothersome, to stop every few steps to verify the validity of our criteria, since we already have in right—as a reality encompassing the relevant morality in a praxical, objective, necessary and dialectic manner—a concept of sufficient ubiquity and comprehensiveness to be useful in making such verification for the specific themes under analysis. Now then, it should be clear that such criteria merely show an objective formalization of moral facts, and do not provide a moral judgment by themselves. What we said above about dialectics, let us note, can provide such judgment only because it already includes the qualifying fact of right, and implies a lack of its particularization. Thus, we will assess sociopolitical phenomena through the parameters of content we have come to know as the principles of nomocratic right—which correspond to modes of moral responsibility—whose absence signals that there are legitimate sources of right which find no expression, and that the common good is thus being denied. All that remains is to verify that the proposed sources, concepts, principles and norms are valid, which can be achieved by showing that their logical display and practical application result in undeniable human fulfillment.

Some will always aver that our conclusions are valid only for a specific postulatory system, fitting only a specific definition of good or implying a *petitio principii* or circular argument. I must point out that when considered in its logical totality, including its irreducible elements, every discursive argument becomes circular, which then merely demonstrates the coherence and the methodic integration of the identity-moments of its logical elements. Thus, we will ultimately rely on some axiomatic concepts, metaphysical propositions on reality we discussed in chapter one, and certain religious pre-

cepts we shall analyze at the proper time. But it would be methodologically improper to demand a thorough validation of such a ground from an ideological work. Even though I intend to do so in another book, that is actually the task for a philosophical school. On the other hand, every social doctrine will contend that it is aimed at achieving integral human fulfillment, which leaves the door open for any and every opinion or sentiment on what is fulfilling, since this is based on a previous existential formation. The goal here, then, will be to make truth evident through a non-contradictory analytical process. Withal, there will always be those who, existentially unable to tune in to any truth, will never accept any proof of it. That is comparable to the inability to appreciate the beauty in Da Vinci's *Mona Lisa*, Milton's stirring verses, or Tchaikovsky's *Violin Concerto*, never proof that truth is a fiction.¹³

Notes

¹See pages 181-189 of the above-quoted text by Hart. As for Raz, see *The Authority of Law*, Ch. 1, p. 25. Clarendon Press, Oxford 1979.

²Finnis, J., *Natural Law and Natural Rights*, Ch. I, p. 7. Clarendon Press, Oxford 1980.

³In this work, concept is used as in objectivist epistemology, in the sense of an open-end classification including all the characteristics of the existents subsumed by it (beyond those included in the definition), and in the ample sense of notion, of being or of its intelligible principle as represented in and by the mind, encompassing its logical as well as its psychological character. If, as we stated on page 42, our modes of representation yield an objective portrayal of reality, and if logic is related to the facts of reality, there must be an essential identification between the real structures and representations of the psyche or the mind, and the *ideal* or formal ones of logic. But the thing to remember here is that the higher levels of intelligibility demand that each concept or proposition relates up to the widest logical totalities, that is, that it is integrated under the perspective of all our experience and knowledge. In this framework, only the nomocratic concept of right remains free of contradiction. Of course, here our fundamental concern will be juridical right, that is, everything that can be included in the category obligation-entitlement to be institutionally guaranteed. There is a wider concept of right—if we can call it that—which encompasses everything that is due in a pure moral or humanistic sense, such as the right that some people be loyal to us, the right to be told the truth, and so on. To delve in the study of institutional and non-institutional rights, I refer the reader to C. Wellman's *A Theory of Rights*. Rosenow & Allanheld 1985. Non-institutional rights are not relevant here because they imply only a moral exigency whose fulfillment cannot be

legally enforced. This is partly because bestowing any expression of our will in the context of reference—loving someone, for example—does not (among other things because what is bestowed usually lacks in contents or choices directly relevant towards maintaining the social order, and for elemental biopsychological reasons) obligate the recipient, be he willing or unwilling, to correspond in kind. In truth, in this case there is no right nor moral norm involved, but the example is illustrative. On the other hand, receiving an object of juridical right—a service provided, for example—obligates the recipient to compensate with remuneration. We must take into account that no contract is present where non-institutional rights are involved, at least not one which can force return in kind. Attempting to mandate such a thing can only lead to totalitarianism. Although similar moral reasons stand for both rights, they differ in their praxical field of expression.

⁴As H. B. Veatch wonders in *Human Rights: Fact or Fancy?* (Ch. I, pp.28-32. Louisiana State University Press, Baton Rouge 1985), how can a utilitarian respect others' pursuits which he deems wrong for himself?

⁵Hegel, G. W. F. *Enciclopedia de las Ciencias Filosóficas*. El Derecho 502, pp. 259-260. Editorial Porrúa, México 1971. See also note 12.

⁶Nothing else can be concluded from so-called rational egoism or rational individualism, an extreme variant of utilitarianism which bases its ethics not on the happiness or well-being of the greatest possible number of individuals but on those of the individual himself. Neither does it acknowledge any duty other than to further our own personal ends; the only duty is to do what one wishes without attempting to justify it in terms of moral rights or wrongs, only on the basis of a hypothetical state of nature where one is in fact absolutely free. Confronted with the question of infringement by others of his liberty, the rational individualist does not pronounce them wrong since no one is obligated to respect his freedom. So far, *libertarians* believe they have overcome the inconsistencies of classical utilitarianism. Asked how they will attain peace and order under such a scheme, they respond that, out of sheer convenience, egotists will prefer mutual accommodation to mutual strife and internecine warfare. They would thus enter a kind of social contract where the use of force would be outlawed but where the contracting parties would not commit to do anything that might harm or prejudice their own interests, achieving social order and peaceful coexistence on the basis of actions each one ought (in a non-moral sense) to do, that is, things each one would find himself obligated to do in order to achieve his own ends. No one would commit violence or fraud, since either could disturb the peace. They do not see such acts as wrong, merely inconvenient.

But inconvenient to whom? Because organized crime and those who can get away with graft may find such actions quite convenient. And what about those for whom peace is neither end nor priority? It would not be consistent for rational egoism to assign purposes to anyone. According to Veatch (op. cit. note 4, pp. 42-45), the rational egoist may defend his argument by resorting to a distinction between the use of the term "good" in the sense of the desirability of a thing, and in the sense of the thing being a universalizable objective value—in the style of *Euthyphro*, of Socrates and Plato, are things good because they are beloved of the gods, or are they beloved of the gods because they are good? Utilizing the term "good" only in the first sense would preclude the necessity of responding to the princi-

ple of universalizability, maintaining only that doing what one wishes and enjoys automatically makes an action good. Veatch rightly concludes that even if it were entirely consistent, rational egoism is untenable because its *oughts* are so only "in the sense in which the various how-to-do-it rules in the several arts and crafts specify what ought to be done if one is to play one's art or craft well." In other words, an ethic based on considerations of self-interest is no ethics at all. Besides, the rational egoist has no choice but to accept that his rights are contingent merely upon whether others consider desirable to acknowledge his rights.

I have little to add to this, other than to point out that the sense of good which could be utilized by rational egotists may be universalizable, although not without contradiction: the whim of some is bound to interfere with the capacity of others to further their own interests. But the most important thing to note is the pathetic deficiency of those who would create an ethics based on formal or linguistic considerations. In such a way, we can also create an ethics for animals, or plants. Finally, I believe that the question posed in *Euthyphro* is of no use to rational egotists, since the Platonic deities demand a praxis of reason and of self-respect, not a hypo-statement of selfish desire. And of course, its answer cannot be atomistic: the goodness of things is a relation between a need and the nature of the objects capable of fulfilling such a need.

⁷The principle of the inalienability of right is a necessary logical conclusion which may be traced to the FPPR and the FPM, which can in turn be inferred from the comprehensive concept of good. If the reason for doing good is to comply with the commandment to strive for integral human fulfillment (FPPR and FPM), any harm caused as a result of a good action will defeat the overall purpose. The above considerations give rise to Grisez's eighth mode, which to me constitutes the First Mode of Moral Responsibility, which in the context of political life leads to the inalienability principle. The above may result from a number of inferential conformations, the classical one being:

1. To do good on the one hand while causing harm on the other is immoral;

2. To grant someone a right (do good), thereby depriving someone else of another, causes harm (to the person deprived);

3. To grant someone a right thereby depriving someone else of another is immoral.

It is possible to carry out a complete and elaborate inferential scheme of our principles, starting from the conceptual determinants of good and evil and finishing (in a subordinate context, of course) with regulations and bylaws. As I have said, all of the above is more relevant to a specific study of natural law. Let it suffice here, then, to show the relationship between certain moral rules derived from the FPPR and the FPM and our propositions on right. Having done that, we can proceed to systematically demonstrate the goodness of the latter through analysis.

⁸When we speak of moral differences among the various human groups, we generally refer to the different paths followed in pursuit of the same fundamental value, as is the case with most cultural and sub-cultural customs. Failure to recognize universal basic values leads to the conclusion that there is no ultimate understanding between men, which is true only at the factual level. Justice cannot be rationally viewed in radically opposite ways. Mutual respect can only come from the acceptance of

a common basic standard of values, and tolerance must refer only to that which does not violate the primordial. Relativism assumes chaos beyond the power of reason to comprehend, perhaps borrowing from certain theories in the scientific realm. In this respect, Nietzsche deserves separate mention. He is the weightiest philosophical opponent of the existence of an absolute scale of values, at least when it comes to those generally accepted. At the levels Nietzsche carries the discussion, the difference between madness and sanity, good and evil, etc., is the razor's edge. And there is no doubt that in many things he was right.

Nietzsche was against established—particularly Christian—morality, against equating morality with subjection, and in favor of the search for a superior man unbound by any conventionalisms and free from all the constraints of socially accepted codes. That would be the path to a superman living on a mountaintop beyond good and evil. Still, it is clear that in arguing for the will to assert new values one is just proposing a new code which, according to the philosophy expounded by Nietzsche in *Thus Spake Zarathustra*, *Human, All Too Human*, and other works would, although variable in its expression, be simply an ideal code to be observed by man. The existentialist view on this has merely substituted the Nietzschean will for a lackluster fate to be free. One should always search for new values, as long as they are praxical to those which might have been forgotten: not even a superman can create a new human nature. Nietzsche separated the *You must!* from the *I want!* when in order to achieve the superman both must come together as will and duty to assert the highest nature of man, however one may conceive of it.

Here I have taken a modern realist position on nature as a basis for this discussion, but not even subjective idealism denies such a category since, whatever may be its essence, what man perceives is the primordial basis he must rely on in his attempt to discover the laws which govern that which is manifested before his awareness and reason. The concept of the immutability of nature, then, is merely a statement that there is a fundamental intelligibility of the phenomenal world, which is common to the entire species. Now then, since human situations must be approached in different ways and with different goals, it happens that the truth is often a shared quality. The concept of absolute truth, however, does not originate in the lower and non-comprehensive levels of reasoning, but in the higher ones of abstraction and self-awareness.

⁹Locke, J., *Two Treatises Of Government*. Second Treatise, Ch. IX, p. 368, Cambridge at the University Press 1970.

¹⁰Rand, A., *Capitalism: The Unknown Ideal*. Man's rights, p. 325, New American Library, New York 1967.

¹¹Locke, J., *Ibid.* Ch. v, p. 304, and Ch. IX, pp. 368-369.

¹²Hegel, G. W. F., *Ibid.* El espíritu objetivo 483-486, pp. 255-256, and El derecho 488-493, pp. 257-258. Among other things on the matter, Hegel said, "Contract presupposes that the parties entering it recognize each other as persons and property owners."* Earlier he had stated, "The reason I can alienate my property is that it is mine only insofar as I put my will into it." (Abstract Right 65, p. 28). The will over something is here the fundamental aspect which characterizes and justifies property, as freedom would be the interior determination of the spirit and the goal of its free will, which must

*From *The Philosophy of Right*, Abstract Right 71, p. 31. Great Books of the Western World, Encyclopedia Britannica 1952.

be in relation with an objectivity given in its exteriority.* Property is considered a complement of the objective spirit, that is, the absolute idea in concrete terms. The want of something, however, must be rational, for it must consider that the thing is the object of other wants. That is why the full reality of the contract is only guaranteed in civil society.

Hegel is clear on the justification of possession, its necessity and permanence, and he distinguishes between the alienation of property and the mere act of taking possession, the former being the expression of the infinite judgment of the will over the thing that is possessed and used. Property comes to be, then, an end in itself, a concept totally opposed to those of Marx and Engels.

¹³At this moment in the previous editions of this book, I approached the subject of the collective conscience or social forms of conscience, which at that time I regarded as similar to the collective unconscious of C. G. Jung. That is, as a form of pangenerational wisdom and ideal will structured through the historical process and transmitted philogenetically and universally from generation to generation. This knowledge would enter the level of awareness in a symbolic fashion, for example as ideological archetypes, modeling or regulating the corresponding human behavior. Besides, this normative was related to human interaction with the upsurge of a kind of social super-ego, and in addition to a (transcendent) spirit in the basis of psychic life.

Now I see such determinations as unnecessary to explain collective conscience, and my new notion differs from the quoted in certain important ways. I will get more deeply into it in my next work. In the meantime, let us see that the collective conscious as previously conceived, its conformation was independent of experience. Now I consider that common knowledge and dispositions, which I related to such archetypes, are generated in each person through the experience of life situations, in our example those related to ideological issues. There is no need to go further to explain the generation of contents of consciousness which are shared by a society or a group. What I keep is the idea that there are some of such contents which, given certain situations, become connected in an inter-subjective fashion within a common existential structure which constitutes the collective conscience. This collective conscience is generated in relation to praxical moments of the group, fundamentally within those belonging to the axiological area, and in a certain measure is capable of directing the thought and the behavior of the persons included in the group. However, as the common determinations here involved are generated from each person, the individuals keep their power of auto-definition. This was emphasized in the previous editions, but not in the proper context. The new context is the one in which the notion of the collective conscience is to be understood here. In any case, what differs is mainly the way of conceiving the conformation of such structure, which is of less importance for the purposes of this work, and the notion of an area of a social determination of the human behavior remains common to every edition.

"Enciclopedia de las Ciencias Filosóficas, p.255. Editorial Porrúa, México 1971.

CHAPTER III

THE AGENT OF SYNTHESIS

Broadly speaking, the state refers to the politico-legal organization of society, including its major institutions, but it is more commonly identified with the government and with the armed forces. It must not be confused with the land-based historically constituted community, that is, with the nation. It is commonly accepted that the function of the state is to maintain the internal order and the security of the group, relying for this on the law and on the army. This is said to define sovereignty.

An institution is the structured (yet not necessarily concrete) correlate, or better, the living and organized praxis of a basic drive of social dynamics, namely, the preservation of shared values. The state, thus, is an institution, having an organization (constituted by the government) which includes all the agencies entrusted with enacting and implementing the policies of the central power. In juridico-legal matters, the term state refers to the offices charged with making the established state of right prevail, excluding those representative of any particular interests. In our ontological and moral terms, the state could be seen as the agent of synthesis of the dialectical fields which fall within all that can be the object of written law. Consequently, the state would constitute a praxical structure with an ultimate referent in our moral conscience. But since these considerations can be subsumed in the matter of right, which we have already examined, here we will explore some akin but rather practical and ideological aspects concerning the state.

Modern studies on the state tend to dwell on its juridico-institutional aspects. To me, the most important ideological concepts—some of which we will examine briefly—were put forth much earlier. Some see the public power as a simple fact, a collection of legal standards. Many more see the state as a continuation of society, others emphasize the role of religion in its formation, and yet others consider it racist or class-interest based. It would seem more than anything that the state is a historical instrumental-functional creation arising as the outcome of man's social potentialities and as a phenomenon of adaptation to human nature in its negative aspect. Contractual theories attribute the origin of the state to a deliberate rational act expressed in an agreement or covenant entered into by man in order to achieve social harmony. With some reservations, I agree with this theory. Evident though the spontaneous instincts of association may be—as the Scottish school, D. Hume in particular, pointed out—men must have agreed to create legal order, surrendering individual whims in order to achieve a climate of peace. Such a contract, of course, must have been an unsophisticated act of mutual agreement rather than an invention born out of intricate reasoning in an attempt to save the world. This criticism of contractual theories is exaggerated and misses the point. The social contract is obviously not the outcome of a single political meeting or convention but an evolving social creation by means of which society gradually acquires common values, laws and judges through interconsultations—more on that in a moment.

To Saint Thomas Aquinas, the state (the political power) would constitute an ontological necessity for the social elements organized towards a goal, the common good in this case.¹ In this scheme, the state would be inherent in the order every society implies. In accordance with our postulates, we could conceive of the state as a praxical mechanism demanded by psychosocial nature (or by the collective conscience) in order to meet its rational demands in matters of communal life. The state would be the agent of synthesis of the ethico-legal conflicts arising in a society. But we need first to advance some concepts in order to approach such a subject, which we will in chapter five.

By civil society we mean what is *opposed* to the state of nature and to the presumed absence of institutions and social constraints in primitive societies, where a kind of anarchy supposedly prevailed. This does not seem historically clear. Locke believes that in the primitive state of nature man respects natural law, which prevents everyone from going to war with everyone else, which some like Hobbes believed was the case. Either way, he postulates that the state is a necessity in order to effectively prevent such a war. Locke—although he accepts a kind of social contract—says that individuals have not surrendered all their rights to the sovereign: absolutism would reign if they had; the individual retains inalienable rights, such as the rights to property and to personal integrity.² By surrendered rights I do not basically mean the freedom to do as we please but making justice on our own hand. Because even though in both cases abiding by written laws is required and limits are set to our will, absolute freedom is not a right we can surrender because there is no such a right, while the second belongs in the praxical spectrum of power. With respect to certain obligations toward society—such as performing army duties and paying taxes—they seem expressions of practical goals and of reciprocal obligations rather than fundamental principles of social order which prompt a formal (explicit, structural) acceptance of authority. Locke places the contract at the moment of the constitution of the state, as the rationalists of his time believed, and the government is only the depositary of the power of the state. Thus, if the government is corrupt, it can be deposed leaving the state intact: a new government simply takes the place of the old. The state is based on natural law, and its duties include preventing the violation of rights or punishing the violator. These concepts, liberal for their time, and their corollaries served as a basis for the Declaration of Independence of the United States of America.

According to Rousseau, in the social contract man does not surrender his rights to a sovereign but to the whole of society, which in turn confirms the rights of the individual in the form of civil liberties.³ This thought shaped the ideology of the French Revolution. The state is created to preserve the natural rights, and the law is the expression of the general

will. Rousseau believed that primitive man did not have sufficiently constant relations with others to create either a state of peace or a state of war. That is, man was not naturally the enemy of others, but he was not capable of living in a state of law either, a view which seems to make sense.⁴ In truth, rights are never surrendered but organically integrated and expressed.

Contrary to the opinions of Marx and Engels, which we shall examine in due time, Hegel also ends up concluding that the end of civil society is to guarantee the state of law, precisely because of the existence of *natural abuses*. The power of being one's own judge which in the state of nature is attributed to the individual, becomes communal in the family and in civil society, synthesizing right and morality within ethicity, which acquires its perfect form in the state. Hegel, like Rousseau, rejected the individualist conception of freedom. Rousseau expressed it as general will, and Hegel as universal or rational freedom, based on the existence of an ideal will to which every man had to conform. Both proposed principles as guarantors as well as regulators of individual rights through the power of the state, which the former justified *a posteriori*—this I will address when analyzing democracy—and the latter as *a priori*, thus placing form before content (I use these terms precisely the inverse of their classical meaning).

A later development has been methodical anarchism, which attempts to explain how the consequences of a hypothetical state of anarchy lead to the creation of the state. Robert Nozick *Anarchy, State, and Utopia*, is the most important exponent of this school. The basic premise is that, under a state of anarchy, people would group seeking the shelter of protective agencies competing among themselves to offer their services. They would move from a state of nature to this situation, where *ultramiminal states* would establish a monopoly of power in order to prevent conflict among themselves—or a dominant protective association would take all others under its cover—leading, thus, to the emergence of the state. It is an interesting theory, especially in that it sheds light on the development of the rights of individuals, but the classic formulation of contracts seems a more likely substrate for the monopoly of power, especially in the context of inter-

consultation, for agreement constitutes the pristine praxis of social order.

Rather than changing his cosmovision, man makes use of praxical models to achieve subsequent creations. It has been shown, for example, that the state or the authority in primitive groups is mingled with the traditions. So the steps which led to civil society had already been taken, and then all that was done was to create an advanced model, adapted to the new demands. Although we may say that in a pure civil society constraints derive from a loose institutionalization of the collective conscience, it is hard to imagine such constraints functioning amid an absence of power nuclei. It must be noted that, although when we speak of a rudimentary state we refer to established traditions of common authority, there is something even more primitive which gave rise to these traditions. The family is generally accepted as a spontaneous association prefiguring the traditions of civil society. It is rather suggestive, then, that the second is a consequence of the first. Thus the state might come about as a result of the institutionalization of the power of the father. In the patriarch, and in fact in every individual who is his own judge, we already find the representation of the state itself, the *person-state* from whose potentialities the state would develop.

The child learns in the family the behavior patterns which will guide his adult social life. In its bosom, he learns the basic concepts of authority, respect, merit, duties and justice which begin his psychosocial development. Initially, rights can be fully acknowledged only within the familial structure. There, too, social ills are exemplified and the child learns to distinguish good from evil. The family is the first and basic link of human solidarity, and therefore the basis for the state and the whole of society. The family constitutes a true social microcosm and, contrary to the socialist assertion, it is ontologically superior to the group.⁵ Familial law is the most faithful reflection of natural law, and, transhistorically, positive laws are in turn a reflection of the laws of the familial organization and which the community wishes to maintain. Nobody could voluntarily accept a power such as that of the state who had not learned in the family to accept that of the father, nor could that power be properly exercised. This is the basis that allows

later a delegation of rights as a spontaneous social act. Political power could be the power of the father in the context of society. We cannot say that these powers are identical, but they do belong in the same praxical spectrum. Political power is representative although universal, and it is obtained by merit and through appointment. Patriarchal power displays itself after its biopsychological nature.⁶

Political power would seem to derive in part from interconsultation among the patriarchs when conflict arose between the members of a group. Such interconsultation could have led to the subsequent appointment of judges and legislators, and could have paved the way for society to develop a code of values based on experience and reason, impelled by an intrinsic need for order and justice. When this occurs, a social contract has been developed and a political constitution adopted. The latter is not a feature exclusive to the modern state, but rather a primary and overriding synthesis of the social dialectical moments. Development and acceptance of common values, thus, means putting into effect praxico-ideal standards and not the legalization of those chosen in any way conflicting with nature. It escapes no one that in actual practice social covenants are often prejudiced, imposed or arbitrary. This results from the origins of communities and nations, born more from anti-anarchic organization and acts of war than by consensus.

Fundamental values are acquired only in the sense that experience and a period of development are required by the human psyche to discover them and the need to guarantee them legally. Man establishes agreements with others in order to institutionalize values which, transhistorically considered, are not themselves a result of agreement. When values have been identified through a rational process, there is no need for unanimous agreement on what must be considered as a social or political goal and thus protected by a law. As a universal consensus cannot be attained in practice, when we refer to authority accepted by a group as a standard of legitimate rule, we refer to the consent of the praxically significant sector of that group. The crucial attribution of the state that allows a functional governance, is precisely to obviate the need for unanimity.

The state, thus, may be regarded as a praxico-practical outgrowth of civil society. In order to prevent chaos and mutual extermination, patriarchs, by virtue of their natural authority, are the ones entrusted with pronouncing judgment on conflicts, a practice which can still be observed in some societies which persist in their primitive state. When this occurs, the individual is in fact no longer his own judge, because he has delegated—in the sense we have mentioned—to third persons the judgment of his acts. This would be the most primitive institutionalization of the value justice, something like Parsons' transfer of the cultural to the social context. Many spheres of the internal administration of justice sometimes remains for a long time at this level, put into effect by the families of those involved in conflicts in accordance with local traditional customs. But in general, and presumably because of difficulties arisen in the application of justice by their own hands, such as unjustified *vendettas*, a superior mechanism for reaching a verdict must have been sought by designating a common judge, represented by the gerontocracies.

This implies certain other mechanisms in the creation of the state which obey different aspects of societal life, not expressly contractual but commonly accepted. The emergence of certain special groups in the community, in civil society more precisely, is probably important here, groups such as the secret societies which are entrusted with fighting for the establishment of the ideal will, and considered by many as direct precursors of the state. Many points will remain forever obscure, but in any case, when primitive societies became heterogeneous, the variety of particular interests must have become undesirable for the preservation of social harmony, and therefore most societies evolved into the creation of a central government which developed step by step, eventually taking on the internal application of justice. The seeds of the state have been present, then, from the time man began to live in groups, which means forever, but academically it can be accepted that political power emerged when decisional power already resided in a special part of the community, as was the case with gerontocracies.

Finally, even though territorial organization (well established and in agreement with others in order to avoid war)

seems more to have been an achievement of civil society, a territorial base has always been present even in the most primitive clans. It has even been verified in nomadic tribes and in hordes. Territorial support is a phenomenon of exclusive possession, use and appropriation of a geographic place. Whether or not it is permanent, whether it is large or small, are both secondary.

Of the functions and attributions of the state.

The common good.

Basically, the overall function of the state is to safeguard the common good. By common good I understand a state of things which allows every member in a political community genuine opportunities for his social fulfillment, that is, for his harmonious development as both private and communal being. A common good has the following characteristics:

a) It can be shared. That is, everyone must be able to enjoy it in a present or prospective situation, or it falls in the realm of the particular, although patently, the particular always shares spheres with the communal. Wealth could be classified as a common good because thus, generically considered, it may be enjoyed by everyone without exception; but that does not occur with its specific forms, diamonds for instance—in a meaningful amount, that is. Further, although some goods may actually be shared by everyone, their enjoyment might require certain conditions, so it does not hinder the legitimate enjoyment of the same or a different good by others. This relates to the following characteristic, but we can say at this point that justice is the common good *par excellence*.

b) It is juridico-political in nature, rather than economico-material or cultural. If by common good we understand everything that is desirable and of benefit to people and societies, it would be beyond our reach until everyone was able to enjoy everything they could ever want. Now then, material goods are in this sense scarce in relation to the population, but even if they became easily obtainable by everyone, they still should, as we have seen, be obtained in some manner consonant with right. That is why achieving material common good is better defined in terms of opportunities, and since a state of right and justice in particular are the guarantors of rational access to

each and every one of these opportunities in juridical equality, it is these goods which constitute the paradigm of the common good and the object of the subsidizing function of the state. That means that, at least in non-utopian societies, it must have the state as (passive) subject of obligation. All of the above explains why even though cultural goods—meaning, among others, education, knowledge and spiritual advancement—are common aspirations, and might prospectively be considered as part of the common good, they do not on that basis qualify as such in themselves, given that basically they are meant to be provided by the family. At a certain level, however, we must refer to these and to shared material assets as pertaining to the common good, since they constitute organic needs and primary interests of the ethnos which, in addition, can be universally satisfied.

c) Ensures the balance between the community and the individual even when taking priority over any particular good. We will have ample opportunity to discuss this matter throughout the book. Suffice it to say here that such erroneous conclusions have been derived from the above premise as that if the community—generally identified as the majority—requires a thing for its own good, it should secure that thing even at the expense of individual right. That is often based on pseudo-analogical observations, such as the subordination of an organ to the body when the former must be extirpated for the benefit of the latter. Because, obviously, organs are not subjects of right as are people, and since the common good refers especially to those social conditions of right which promote the development of the members of the group, treating individuals like organs of the body attempts severely against such good.

And d) It is extensible from the parts to the whole, and vice versa. That derives from the fact that—within a synthetic framework of mind, the only one acceptable here—society constitutes a totality, that is, an entity in one way or another organically present in everyone of its parts. This all means that no good attained by individuals can be classified as a common good if it hinders, or does not at the very least contribute to, the fulfillment of the group. And vice versa, so choosing or willing which redounds in an authentic good for one of the

social dialectic poles projects necessarily to the other. Not necessarily in material terms, at least not in a direct or immediate manner, for the reasons given in section a), but definitely in promoting essential values—such as life, mutual respect, knowledge and justice—and by giving rise to a chain of presumably proper actions and goals, eventually adding to the material, spiritual and cultural wealth of the community. Of the above values, the one which most expeditiously projects to the common good, is justice. Every individual instance of self-fulfillment, then, if it is achieved within a nomocratic framework of right, must also be considered as fulfilling the common good. How this takes place in the practice of systems based on the concept that the state exists to serve the people—and how it is frustrated in totalitarian societies, which sacrifice the individual—we will illustrate as our analysis develops.

The relationship between Grisez's integral human fulfillment and the common good should now be clear. As he defines it, the former is "an ideal corresponding to total human responsibility." Thus, he does not consider it to be "a definite goal to be pursued as a concrete objective of cooperative human effort," but rather "the realization of all the human goods in the whole human community," the latter understood as all human persons past, present and future.* It becomes immediately apparent that integral human fulfillment refers to the outcome of willing our choices toward the realization of certain values to the highest degree, leading to total inner and outer harmony, that is, to a state in which "all the goods of human persons would contribute to the fulfillment of the whole community of persons." That is what common good refers to, except that it is limited to the socio-political sphere, viewed precisely as a praxical realization of the ideal of integral human fulfillment.

In the coming chapters we will essentially refer to the material common good, where it will become apparent that there are different levels of self-fulfillment—ranging from achieving a basic state of well-being, to building an empire—and that as essential requirements of practical reason no legal obstacles are to be put in the way of these achievements.

**Christian Moral Principles*, Ch.7, p.186. Franciscan Herald Press, Chicago 1983.

By group interest, then, we must understand that which favors the achievement of this conception of the common good. But since in actuality it often happens that the many often lack opportunities for self-betterment, taking from the few in order to meet the needs of the many is generally accepted as tantamount to fulfilling the interest of the group. Thus, we must not forget that—according to the third principle of nomocratic right—society cannot demand so much from the few that these are deterred from achieving their legitimately earned level of self-fulfillment.

The principles of practical reason, through their socio-legal implications, do not imply that (material) goods must simply be offered. What they imply is that no one who contributes to society with acceptable labor must be denied the opportunity of earning those goods. And what plays a crucial role here is the implantation of a valid state of right, which in itself constitutes the necessary basis for the legitimate enjoyment of opportunities for self-fulfillment and for the attainment of the common good. The common good, then, cannot be evaluated by ascertaining a certain measure of material welfare in everyone (or in a certain proportion of) the community, and must instead reflect the praxis of natural right, which is to be secured by the state.

If it is to represent an ideal, that is, if it is to be identified with what is truly rational, the state cannot deny its dialectical counterpart. It is not, for example, supposed to take all property for itself, alienating it from individuals and thereby contradicting its subsidizing function. In general, individuals have transferred to the state only the right to judge on property matters which concern them, not the right to property itself, except in the measure needed to fulfill the individuals by satisfying the organic needs of the whole. If natural law were fully respected, as would happen in the Utopian Society of Ethical Men we shall discuss later, the state could disappear. This leads to an important ideological point: even though behind the power of the state exists a delegation, the ultimate basis to justify its exercise is the (praxically-qualified) legitimacy which would assist everyone to prevent the violation of anyone's rights. Thus, being the necessary tool to fulfill what here is a duty, the main and basic attribution of the state is

power, but how much power it must have has been and continues to be a matter of conflict. In practice, the authority of the state is limited. Men would rebel otherwise, as Confucius pointed out long ago. Equally, although we generally apply the term state only to situations where a monopoly of power exists which prohibits individuals from administering justice with their own hands, this matter is rather relative. Historically, internal administration of justice by those involved in conflicts has been found side by side with a mechanism capable of directing the common destiny in matters of great relevance, such as foreign policy and war; it would be difficult to argue that an institution capable of taking over such important functions did not already constitute a state.

Limits to power refer more to government or to practical social decision-making mechanisms. To enforce the ideal will of the group, a power is needed which must not be limited, except by the praxical expression of such will. It would seem that this is what certain authors like Hegel referred to when they spoke of the unlimited power of the state. However, since he ends up personifying the ideal will in the institution itself, he actually dismisses its ethical contents—which on the other hand he acknowledges as the principle of synthesis of diverse social elements, categories and moments—and then ideal will. The Hegelian notion of the state as self-conscious ethical substance constitutes an idealistic ontological mismatch.

Where (political) power issues from is a secondary matter. It could just as easily be the church if a just and principled *modus vivendi* is thereby achieved. Thus, the well-known division of the three powers of the modern state is of relative meaning: a distribution of power is no way of preventing absolutism. Although it represents an orthopraxical separate institutionalization of the natural threefold character of political power, the institutions evolving around the latter usually act through the same framework of mind. In primitive societies, the three powers were in the hands of aristocrats, and that is no basis for saying that justice is better administered now. And if the three powers were to agree, tyranny could also be the result. Of the political devices (pointed out by Montesquieu, Madison, de Tocqueville and others) designed to limit the power of the state, constitutionalism is the one of most value.

We must remember, however, that a political constitution is not a device but a declaration of the very *raison d'être* of a society. In practice, the strongest limitation to the power of the state is reasonable autonomy of extragovernmental groups and structures within the society.

The crucial point is that any structure, mechanism or fact that guarantees reciprocal obligations between the members of a community prefigures the state, and by extension ensures a rational equilibrium between the interests of the individual and those of the community. And just as society permits, protects and guarantees individuals the enjoyment of their rights, individuals have obligations toward society in return. To Ayn Rand, the state only serves three ends: 1) it protects the individual and his rights from criminals by means of the police, 2) it protects the same rights against external invaders by means of the army, and 3) it acts as a judge to resolve conflicts among individuals by means of the courts.⁷ Many others also hold a similar opinion, adhering to the libertarian idea of what Nozick calls the ultraminimal state. But they fall short in interpreting individual right in terms of the fundamental constitutive principles of society; how this should be done is discussed in several other places. As we have seen, the overall purpose of the state is to secure the common good. The so-called subsidizing function of the state refers precisely to ways in which the above is accomplished. But the state is called upon to do only what individuals and the family cannot by nature do or (because of prevailing circumstances or the force of convention) are unwilling to do. That corresponds to the basic principle of social economy and order, which states that the major structures of a group must not do what the minor ones can—the opposite deprives individuals of the freedom to undertake fulfilling enterprises. Let us examine, then, the spheres of action where the subsidizing function or the general agency of the state is needed, which (despite their inevitable overlapping) can be summed up as follows: a) promulgating laws and enforcing legal sentences, b) preserving the political unit, and c) performing specific providing functions.

a) Promulgating laws and enforcing legal sentences. The state acts in two general ways for the preservation of the com-

mon good: directing foreign policy, which includes guaranteeing the safety and freedom of the group against external threat, and ensuring that internal affairs are conducted in compliance with accepted political values, which includes maintaining the social order. This requires an authority accepted by the group and therefore able to promulgate and enact laws praxical to such values, and to serve as an impartial judge. Withal, the state is only a circumstantial, yet praxical agents of synthesis, which guarantees the prevalence of a state of right—and so it must be seen throughout the book—while the true substantive basis of the latter rests with the moral conscience.

It should be said that some spheres of state activity are relevant basically to the modern state; in the primitive one, for example, custom was the law and state action was limited in what now concerns us. Presently, extensive legislation is the custom; if we cannot avoid that, we must at least take care that all legislation conforms to a fundamental law. In states with a division of powers, that is supposed to be the role of the judicial branch; surely a happy medium must be found between the different state powers, because neither can we leave everything to the discretion of the judges and the courts. As we repeatedly stress in this work, adherence to constitutionalism—but one truly praxical to natural law—should prove a good regulating mechanism. More than a mere arbiter between particular interests, the state applies the laws in accordance to social rules and traditions, to follow Durkheim. With the provisions stated in the previous chapter with regard to customs, this is the closest institutional praxis of family values, and appreciates more fully the role of principles in protecting individuals against the whims of others.

Only in this case is it valid to speak of rules accepted by the interested parties or by the group. We thus assume there is an inherited consensus representing the ideal of all the members of society, which is deposited on the government who must then enforce it as law. The power of the government is limited by the natural rights of individuals, protected by every moral society (from the early forms of the social covenant to the political constitutions of the modern nation-states) on the basis of a clear civic awareness of their legitimacy.

b) Preservation of the political unit and civic values. Now then, if the state were only an arbiter, individuals could very well set up governments at will. That is the theory of the governments of free competition, a theory which actually has discovered nothing new: it is but a modified form of anarchism. Such a thing would deny the basic requirement of any social order: to enforce common laws, since those who willingly abided by it yesterday may not want to do so tomorrow. This is acceptable only in specific contexts and at certain historical moments. Statists assert that the state must be absolute, while anarchists would have it disappear. A basic understanding of the bipolar affirmative dialectical nature of society (as a moral reality) finds the balance between the two. The mistake of the statists lies in that rather than abiding by the power to enforce ideal will, which is absolute, they actually seek the power to negate it, implemented through absolutist governments.

In some cases there are only customs and traditions, but it has generally been the state which is entrusted with maintaining such civic values, as patriotism, sovereignty and the rule of law. This binds also the new members of society in return for the rights they inherit. Later, they can modify the established order, but always in nomocratic praxis. It is for all these reasons that only force can achieve separation. There are cases of bloodless separation, but never of divisions and subdivisions based on the whim of individuals or groups. In order to maintain unity, and to protect the community from anarchy and disintegration, the state has rights which come before those of individuals, such as a common holding of the land. Without it, society would largely lose its identity (we are taking here what we know as the nation-state as a model for discussion). It is the duty and function of the state to maintain a single nucleus of political power to represent everyone equally. This is something which individuals by nature cannot do, except in a utopian society. Unitarian political power, however, may be validly impugned: certain groups may not really share a common past or participate in the covenant, as in cases of annexation. Also, when an anti-libertarian centralization is taking shape, secession may be a good way to counter it.

And c) Performing specific secular functions. This includes the provision of services deemed in the public good. Strictly speaking, a public good is characterized by non-competition and non-exclusion in consumption, and by even utilization by consumers, like justice—its administration, that is—but we can extend the concept to certain primary interests of the race furthered by the constitution of society—such as social security, health care, education and others, which are thus fostered or may become customarily provided by the state. That implies certain risks, however, as exemplified in the case of education, where state control may lead to the inculcation of a prejudice, which is the more dangerous the more the state monopolizes that control. The proposal by Freedman and Hayek to gradually stop subsidizing educational supply (the learning institutions) while funding subsidies for the demand of formal education (vouchers to parents), tends to prevent state control of educational curricula and stimulates learning centers to compete for cashing those vouchers. Conceivably, private entities could take over the provision of services—through philanthropic organizations or insurance plans, for example—and at bottom the provision of them is actually a responsibility of the family. As the discussion advances, we shall point out those cases where the providing functions of the state are justified. Generally, the family taking over is not yet the praxis demanded by the circumstances, despite it is a fact that the more state subsidies rise, the more the irresponsibility of those subsidized increases. Because resources which come from others are not valued as much as those deriving from the family's toil. Please note the difference between the common good—a constitutional requirement—and public goods—services, rather, more representative of practical values.

We must not here fail to mention an important attribution of the state, that of organizing the defense of the group, including the option to go to war, an attribution aimed to a great extent at preventing internal divisions when confronting an external threat. When the decision is rash or highly unpopular, however, it may be justifiably challenged. Some attributions of the state also have a practical component, and society may need unified criteria of action in order to function appro-

privately in some crucial areas. Summing up, in general the state is better suited to ensure that private individuals and organizations adhere strictly to fundamental norms of social coexistence in their activities than for itself to take charge of those activities.

Levyng taxes is the manner in which the state finances its activities, a theme we will take up in due time. We will only say here that if individuals could assume the task of achieving the harmonious development of the social group through adequate control of all functions of society, such as conducting trials, helping the destitute when the family unit is unable to, and others, taxes might no longer be needed. There might be ways, but it seems that we will always have to resort to a centrally managed common fund. For example, it would be difficult to solve the legal issues through private security forces because anarchy might follow, and because not everyone would be able to afford their services. Worse than that, sooner or later they would turn to extortion, to demanding protection money, and the only defense against them would be a state police force financed through taxation. And we would be back where we started.

The personification of the state

As we have said, the state constitutes a praxical structure of power demanded by the collective sense of justice; but as a model of social order, it is also a referent for praxical constructs. These are represented in the personification of the state, which can attain four legitimate forms of government (with their corresponding corrupt forms) depending on whether power is centered in one, a few, many or all. The four legitimate forms are: monarchy, aristocracy, democracy and principled (or ethical) anarchy. The four corrupt forms are: monarchic tyranny, oligarchy, tyranny of the majority or ochlocracy, and common anarchy or disgovernment. I chose this classification, following Aristotle, because it describes and includes the primary intelligibility of legitimacy for power: the so-called forms of the state, that is, those which deal not with who wields the power but with how it is used. I sometimes des-

ignates legitimate states of right and forms of government as democracy or democracy-based systems. This does not refer to the government system itself, but to the fact that they represent legitimate codes of value. With the passing of time, the word "democracy" has taken on connotations of respect for minorities, justice, freedom, etc., not per se identifiable with this particular form of government but with political ethics.

Monarchy. The main rationale for the concentration of power in one person—actually, this never refers to the totality of it—lies in the simplicity to determine the main political praxis. Thus, the concept of monocratic systems is not a panacea today but neither is it foolishness. A great advantage of the monarchy consists in that it facilitates the head of a state to acquire a leader's charisma, so it can unify the people more than any other system, especially in the face of external danger. A study of history and of religions in their historical context offers examples of monarchic systems which were just, prosperous and loved by the people. Many great philosophers have defended monarchic systems as ideal, Confucius, Lao-tse, Hegel and others. Rousseau believed that a monarchic government was inferior to a republican one because in the first the popular voice was disregarded and only the crooks and the schemers were elevated to the top positions.⁸ This, however, may take place within any form of government, as practice has shown.

We must also consider the differences based on the kind of supportive power. A monarchy linked to the church is probably the best type. Hereditary monarchies, on the other hand, bring with them the problem of rulers who are incompetent or tyrannical, not to mention the semi-God character often bestowed on kings. They have a good side, however: when things are going well, wise policies are carried on through direct succession. The absence of contradiction is said to be the principal advantage of monarchy, but the internal contradictions in the monarch are far more significant, and his ambition most difficult to curb. Formally, within the individualist perspective, monarchy is the ideal form of government. I agree with Hegel on this. The difficulties encountered in practice, however, make of monarchy not the most desirable of legitimate governments.

Aristocracy. Although aristocracies share some of the defects of monarchies, they are less likely to gravitate toward tyranny through a greater allegiance to the nature of power in the social life. Natural aristocracies spring up easily in small societies; in large societies they are influential although they do not as a rule hold the reins of power themselves. The advantage of aristocracy is that both the political praxis and the succession of rulers are determined by a pristine-level-majority will, so not only the consensus is favored but vetoes acquire a deeper and libertarian meaning. An elective aristocracy resembles a democracy without alternation of power, which seems incongruous, and a hereditary one is not in the spirit of aristocratic government and leads to the worst form of legitimate rule.

Democracy. I consider democracy the form of government with the greatest affinity to contemporary man. However it could become undesirable, among other things because—except perhaps when the voice of the majority has been hypostasized—it is the least able to handle crises. It is mindful of the nature of man in its reason for being: to prevent a prolonged rule by a single individual or group from turning them into despots. Still, the proliferation of political forces (parties) is more likely to result in social impasses than in the curbing of despotism—or in anarchy, as the classics feared. Democracy may work for conscientious people who do not fall easy prey to demagogy or fashion. Besides, absent any overriding factor, abiding by the will of the majority seems a workable way of social decision. One of the problems with democracy is that it often cannot pursue a political plan or goal to the end, especially when, as a result of immaturity, policies vary drastically with every leadership change. Besides, the division of power makes effective action less likely, and obscure alliances are sometimes necessary to attain or exercise power. Democracy may offer the opportunity to correct mistakes made by a previous government. It may also spoil all the good a previous government may have accomplished. In direct democracy, even if computer technology made a people's assembly type of decision-making possible in contemporary society, the people would have to be consulted every minute to reach a myriad of decisions and would tend to make the wrong choices. It is best to

leave each matter to those who know how to handle it. This is known as representative democracy, which undoubtedly also has its problems: the government may not always follow wishes of the majority which are legitimate and wise, and its decisions may not be easily reversed.

Elections by majority vote are the classic expression of the living reality of the democratic system, the respect for a decision at the polls as a pacific means of resolving political differences, but they carry with them the danger of demagogy. Unprepared sectors of the population, the youth in particular, are easy prey to false but seductive ideas. If the hippie movement had kept its momentum, key positions of power in Western democracies today would be held by a confused guru who would have brought those countries to a standstill, then to disarmament and finally to slavery. Democracy may lead to the election of *non-ksatriya* rulers and later to diverse social ills as well as to the loss of values in significant sectors of the population. And contrary to what occurs in elite governments, it may be more difficult in a democracy to control tendencies harmful to the interests of the state.

Principled anarchy. A utopian conception of anarchy presupposes that of *the person-state*, where each person is his own judge. This situation does not necessarily imply the absence of a hierarchy. Since every individual constitutes a center of political power, the central government disappears, but not necessarily such institutions as individuals freely agree to form. In truth, there are social forces which in the absence of a central authority may permit peaceful and orderly coexistence. Principled anarchy would be the type of order constituted in the Utopian Society of Ethical Men. The anarchy of the ethically unevolved man is common anarchy. Perhaps when man was in the state of nature a form of orderly anarchy might have existed briefly. It is unlikely it appeared in an absolute form, because that is not even observed in many animals. What is more, its inefficiency and blending with an intolerable degree of common anarchy probably forced the transition to civil society.

It would seem foolish to count anarchy as a form of government. As an intelligible universal form of the personification of the state in all individuals, however, its inclusion is

acceptable here. Principled anarchy does not entail absolute self-rule but an ideal and personal exercise of power. The possibility of repression does not contradict the system, for above all there is always a normative consensus sanctioned by civil society. But, attractive though it may be to many individualists since it implies the maximum achievement of political individuality, any form of anarchy is totally impractical for contemporary man.

Corrupt systems. Present-day issues.

Given the considerations we have made with respect to the right of power, the legitimacy of any government cannot depend on its structure or on the size of its support, but on its identification with the ontological basis of the state. Thus, tyrannies are not characterized by not permitting elections or by not fulfilling the will of the majority. It is assumed that the authority of the state lies in the consent of those who want to submit to its power, but that is an ideal. In practice, even a democratic state power is a pre-established fact, since there are always those who are opposed to it. Because of that, and because majority support does not bear ethical contents itself, every form of legitimate social normation must correlate to the ideal values of the group.⁹ In these times, however, not allowing organized opposition makes a regime suspect of despotism. When issues transcend to the emergent level, the expression of popular wills at the polls is in fact one of the most crucial dialectical moments in modern societies. But the will of the majority qualifies as their synthesis only when it complies with the holo-synthesis of a social contract. The definitive criterion which will allow us to recognize a tyranny is that it is a structural source of unfulfilled rights. The term dictator is identified with oppressor in modern times, but not every dictator or *de facto* ruler is a tyrant. Imposing what is ethical and natural only redresses a previous irrational imposition. A dictator, or, rather, a legitimate autocratic ruler—one whose authority is self-limited to make fundamental values prevail—may well be a praxical need in times of crisis. His exercise of the special rights of the state, as those charac-

teristically found in the state of siege, is not oppressive if he only takes legitimate action against individuals. It is not absolutism what characterizes autocracy, as I define it, but pure *Ksatriyan* political praxis. Let us note in passing that the term tyrant has also had different meanings.

The biggest advantage of democracy is that, in favorable times, its formal structures tend to make the people feel politically de-situated, that is, identified as one with every other, resulting in a quasi-anarchical, yet orderly, social organization. But if we take into account that democratic structures also make room for an arbitrary exercise of the will of a compact majority (either political, racial, religious, cultural or ideological), democracies may also tend to show an ochlocratic nature. This could apply to certain societies which, either by consensus or by indifference of the majority, exercise coercion upon minority groups. Without attempting to judge the truth in these allegations, international news items inform, for example, that as far as the Sikhs in India are concerned, they live in a state of sheer ochlocracy, and so aver many minority groups living under supposedly democratic regimes. The defenders of democracy usually argue that their system is less likely to violate the rights of individuals, given the lesser concentration of power, its alternation, and the need to seek the favor of the electorate which are characteristic of the system. But the greater sharing of power sometimes may only mean a greater number of abusers.

An immature or ignorant people cannot live democracy. Would we allow our children to vote and choose our leaders? Allowing the politically immature to make such decisions could prove even worse. Remedies for this kind of situation include the electoral college, qualifying the voting rights, and establishing strict requirements for election to governmental positions. The problem arises because every measure in a democratic system is subject to the approval of the majority, which may change them on a whim. Since the majority criterion is not to be trusted if we would discover the truth, it is argued that democracy is the best system of government because the majority must surely count with a greater number of wise men than the minority, following a distribution criterion which can only be suitable for molecules. But even if

that were the case, the majority surely also counts with more ordinary individuals than with wise men, and it is the common man who selects the rulers, not the thinking minority within the majority.

F. Hayek recognizes that the majority does not necessarily elect the best rulers, but he justifies the democratic experiment as a means of forming opinion and educating the majorities.¹⁰ A high level of maturity and good will is required, however, for majority parties to admit their mistakes, and by the time they do, if they do it at all, the damage may be irreparable. Besides, political opinion and opposition are formed under any type of government; if that were not the case, there never would have been deposed monarchies. In governments of the elite, personal responsibility for the decisions of state is quite apparent. There is much more room in democracy for the dilution of mistakes, especially those of the legislative body (in enacting anti-natural laws, for instance). Others are attracted to political pluralism (implying the maximization of the right to dissent and participate in public life) in democracy, but these things are double-edged swords since the matter depends upon the nature of such dissent and participation. And a right to dissent unaccompanied by one to decide the political destinies is meaningless. In monarchies and aristocracies, the people also has influence on the decisions of the rulers; it happens, however, that these governments are more strongly based on responsibility, tradition and trust. The right of the people to vote cancels, at least theoretically and in a way, the decision-making power of the elites, but implies that one part of the people can decide for another.

Individual development and the common welfare are sought not only in democracies but in every legitimate government as well, given that the former are basic goals of civil society. The number of those who are favored and those who are discriminated, as well as frequent change at the top, do not imply any intrinsic difference in moral content for assessing the legitimacy of a government. Obviously the will of the majority can no longer be heeded when it becomes detrimental and a threat to the fulfillment of certain sectors of society. A fundamentalist minority is then justified in taking over and establishing another type of legitimate government. In fact, individ-

ual wills and sectors of the population may be better represented in a king than in a democratic government. In addition, there are other representative institutions besides the king in a monarchy, and the bulk of the social praxis is determined by them, often with a great degree of autonomy. A public assembly may serve only to allow the majority to arbitrarily renegotiate the terms of the social contract. Neither the freedom of expression (and organization) in democracies constitutes an adequate mechanism for furthering the goals of the minorities, since in a parliament the minority voice is merely tolerated yet disregarded at decision time; its participation in public life, therefore, is merely formal. It may occur that the support of a minority is needed for a decision to be made. But that holds only up to the point where the majority does not feel pressed as to resort to the mechanisms—always provided by the system in practice—to nullify the minority representation. In any case, such decisions of compromise take only the will of a newly constituted majority into account. Besides, democracy may divide instead of unify the people through pressure groups, and if factors of race or religion rather than individual ability determine the election of a ruler. Precisely, a fear of this nature led to the dismemberment of India at the end of British rule.

Curbing absolutism is of capital importance no matter what the form of government. In governments of the elite, discontent rises more naturally when the collective conscience has been betrayed—especially when there is unrestricted hoarding of the wealth as a privilege of the upper class—maybe leading to the violent removal of the rulers. The alternation of power in democracies, however, does not even regularly prevent abuses on the part of the leadership of the moment against those who carried it to power, as when powerful supra-partisan groups are constituted. Besides, there is no alternation when it comes to the power behind the representatives, that of the majority. It would be more consistent with the democratic ideal to relinquish power to the minorities for periods equivalent to their proportion in the population. On the other hand, a peaceful transition of power may take place more smoothly in an aristocracy than in a democracy. In any case, there is nothing good about a peaceful transfer of power based on an immoral will of the elec-

torate. Peaceful transition in a democracy is often due to the powerlessness of the minorities or to their political alienation, which predisposes them to accept any decision at the polls. And there is no doubt that some elections produce more casualties than a coup d'état.

Since we have reason to hope for peoples to have an acceptable degree of political maturity, a high percentage of support among the population is usually a good indication of the legitimacy of a government. The majority, however, may at a given moment not be representative of the fundamentals of the culture or of the best inclinations of a people, which may only disclose themselves at certain historical moments. Also, most importantly, the absolute majority does not necessarily consist of the majority in each and every one of the culturally and historically significant sectors of the population.

In governments of the elite, majority support comes about more spontaneously than in democracies—since it is more influenced by responsible calls for political consciousness than by personal interests—originating in the respect earned in time by rulers whose actions are wise, honest and impartial. Even today we find monarchic and aristocratic regimes which enjoy wider majority support from their constituencies than the bulk of the democracies, as witness the Iranian theocracy and the Saudi kingdom. In governments of the elite, tradition, inherited succession, institutional-level elections, appointment or the seizure of power by idiosyncratic means of political or armed struggle generally determine the transfer of leadership. In democracy, on the contrary, political parties are formed and nominate candidates whose policies may not be based on their best judgment but on what is likely to garner majority support. Natural leaders, thus, may be relegated or disparaged. These alienating factors of the machinery of decision and succession are not present in other legitimate forms of government, where rulers can rule and administer justice relatively un beholden to any social sector in particular, and bound only by basic cultural canons. Support for such a government manifests in a more fundamental manner, at the institutional level, so that its removal usually requires that most of the relevant (representative) sectors of society deem it no longer viable, not just rejection

from a single majority sector which, substantial though it might be, does not qualify as rejection by the consensus. We will discuss this and other aspects of democracy, all inadequately understood by most, in chapter five.

The clearest and most repulsive form of tyranny is that of the majority. To all tyrannical sins, here is added brute force in its plainest form. Common anarchy implies the tyranny of the strongest in a nuclear fashion—although one must determine if what is at play is merely the disintegration of the social order—as a result of the absence of a state of right. Let us note in passing that the very popular term *tyranny of the right*, refers to a simple oligarchy. Many Communist regimes are in this sense tyrannies of the right. Not every tyranny necessarily brings widespread poverty. It does so because capable men do not feel safe and do not produce what they should. Still, there have been tyrannies, or at least very autocratic governments, whose economies have flourished. Because of the special characteristics of power already mentioned, being the best fit to rule is sufficient and optimal justification for becoming a ruler. Since reason can never justify any exercise of power where justice is contravened, this—and not the number of people who exercise it—is the only formal parameter for judging the legitimacy of a rule. Besides, it seems better that the natural hierarchical order of society be expressly institutionalized in the political arena. It is my conviction, then, that the best form of government is the aristocratic one, where anyone can attain power, with the advantage of being chosen (or repudiated) by the knowing elite. The one man, one vote concept seems to take for granted that every man is equally capable of choosing the best road to follow, or the molecular theory mentioned above, both equally untenable. A proportional democracy, with unequal voting rights, would be an improvement since the right to vote is a privilege and not a constitutive requirement of society. Thus, electoral power would be earned like everything else in life: in different amounts according to the achievements of each one. In a democracy, a decision at the polls suffices to get rid of an undesirable head of state, but what is desirable or undesirable is also decided by the majority. Bringing a monarch down often requires resorting to intrigue or to violent means. In an aristocracy, however, the criteria tend to be less

committed to special interests; and undesirable rulers can be removed peacefully by decision of the aristocratic plenum.

But many monarchic and feudal systems had long deteriorated into tyrannies. This, added to the fermentation of ideas that had been taking place for a couple of centuries, led to the modern liberalism of democratic ideas, based partly on the needs for a new ruling praxis and a measure of social conciliation. It is my belief that at that point it was Locke and not Rousseau who expressed the true meaning of democracy, because Rousseau's *volonté générale* brings in some passages ochlocracy to mind. Democracy has not in itself prevented either abuses of the power of the state or demagogues and crooked men from coming to power. That is one reason it has not been able to solve the social problems of every place where it has taken root, although in other places it has functioned acceptably. We must remember that after the French Revolution and the independence of the United States of America, came the Napoleonic Empire on the one hand and slavery and a war of conquest on the other. Besides, the principal Fascist governments of Central Europe to attain power in the twentieth century enjoyed at least for a time majority support, and the regimes they set up were despotic. Despite certain anomalies, the Nazi Party was elected in Germany, and Mussolini led the Fascist Party in Italy to a clear electoral triumph in 1924.

The transition to full democracy in Europe was gradual and wrapped in a tangled political situation. In general, kings began to lose power with the coming of constitutional monarchies—that is how monarchies are supposed to be, since the monarch should always obey a code, even an unwritten one. Others were either violently deposed, as in Russia, or forced to share power with democratically elected parliaments, but absolutism was not an uncommon event even in the twentieth century.

Aristocracies tend to escape the flaws of other legitimate systems of government. It was no accident that the first human societies governed themselves that way, and that the church and the army have a similar leadership structure. Fascist and related thinkers committed the gross mistake of confusing the absolute power of the state to apply the principles of natural law with the arbitrary absolute power of the

leader or of the party, which renders the individual defenseless against the state. Just the same as communism, this philosophy leads to totalitarianism.

The above thoughts on systems of government, it should be clear, refer to general characteristics rather than specific manifestations, where a myriad of factors and variables weigh on the nature and outcome of each political event. To cite one example, it is obvious that the majority hardly has a say in determining foreign policy in the great democracies. In fact, many democracies are, at the bottom, veiled aristocracies or oligarchies. Modern democracy is young and may have functioned thanks to other social forces more than because of its merits, and a crisis of values can provoke its demise. Also, for lack of a stable leadership elite—or, in the opposite case, because an established elite benefits from a corruption of people and institutions that in effect makes votes easy to buy—democracy is the system most susceptible to moral downfall. Unlike what happens in governments of the elite, the weak-willed attain power much too often. However, a healthy collective conscience can overcome this hurdle. Besides, democracy possesses the crucial advantage of being accepted and appreciated by most contemporary Western peoples. If it manages to retain its nomocratic essence, there should be no reason to fail in overcoming the historical challenge it confronts. Its potential dangers, like those of its electoral mechanisms, can be avoided if a learned notion of it is kept uppermost in mind. Principled anarchy can only be a dream.¹¹

Notes

¹Saint Thomas Aquinas, *The Political Ideas of Saint Thomas Aquinas*, De regimine principum. The Hafne Classics, New York 1953. Saint Thomas sees in society the same as in everything that implies an end, a multitude of things in need of direction to guide them to such (natural) end, in this case an organized power (pp. 175-177).

²Locke, J., *Two Treatises On Government*. Second Treatise, Ch. VII 90-94, pp.344-348; Ch.IX 130-131, p.371; and Ch.X 135, pp.375-376. Cambridge at the University Press 1970. It would seem that once a group acquires conscience of itself (civil society), what we will term the social dialectical pole is already there in the form of pre-institutional collective regulatory structures. And since both the collective conscience and the institution (the state) pursue the goal of sustaining social values—and give rise to comparable dialectical structures—in two different praxical

levels of enforcement, any blurring between civil society and the state in this work is of no ideological significance.

³Rousseau, J. J., *Contrato Social*. Book I, Ch. VIII, pp.46-47. Espasa-Calpe, Madrid 1975.

⁴Rousseau, J. J., *Ibid*, Book I, Ch. IV, p. 38.

⁵What T. Parsons calls *the sociologist theorem*, based on the thought of Pareto, is very important. In *La estructura de la acción social*,* he describes society as a unique reality whose properties cannot be predicted by generalizing directly from its constituent units. An explanation is in order: if we now focus on the individual himself, it is not difficult to discover that he constitutes a veritable social microcosm—the family even more so, for which reason sometimes when we refer to the individual he is to be taken as totalized with the family—where laws, rights, etc. are present in proto or archetypal forms. Ultimately, sociology is reducible to psychology: one obviously cannot start legal action against oneself, for example, but there is such a thing as a conscious judgment of the ethical content of one's own behavior and the generation of a regulatory mechanism of such behavior. This is actually the first ontological substrate of legal action in society. To sum up, society is only a limited emergent reality.

The above is not to say that the characteristics of a society can be inferred entirely from the observation of isolated individuals, but that culture is intelligible from the potentialities of individual psychology. Codes, symbolic systems, cultural standards, etc. can only come from the concerted action of men. The experience of contact with others is necessary for man to express his social instincts. Only in this sense are the characteristics of society different from those of individuals, both of which must be correlative and harmonic terms. It is said that society is like a house, a system and an integration rather than a mere aggregate. A house, for example, has properties and also meanings due to its integration with men, which are not to be found in nails, cement or any other of its ingredients. True, but the analogy cannot be carried beyond the simple form: obviously, individuals cannot be compared to the elements which constitute a house. A house is a human creation starting from material elements. Society is a human creation starting from a human element which in itself already contains social potential. This, as we said, allows a pre-figurative understanding of the social whole starting from its constituent elements, which in the first edition I ascribed to an integral sum of the parts, trying to stress the non-accretive aspect of the matter. Now I have discarded such a concept because, in addition to being a simple tautology of integration, it easily leads to contradictions. These concepts take on an importance that goes beyond the academic interest. They constitute the basis for an identification of individual goals with those of the group, itself the foundation for any nomocratic political ideology.

⁶Hobbes, T., *Leviathan*. Parts I and II, Ch. XX, p.163. The Library of Liberal Arts. The Bobbs-Merrill Company, Inc., Indianapolis 1968. Hobbes believed there were two ways of acquiring dominion: through generation and through conquest, respectively corresponding to patriarchal and despotic rule.

⁷Rand, A., *Capitalism: The Unknown Ideal*. Appendix: the nature of government, p. 334. Signet Books. New American Library, New York 1967.

⁸Rousseau, J. J., *Ibid*. Book III, Ch. VI, p. 100.

*Ch.VI, p.321. Editorial Guadarrama, Madrid 1968.

⁹Of course, the willingness of at least some part of the community to accept the authority of a government is essential in order to be able to rule. Opposition, civil disobedience and challenge are justified more because the ideal will has been violated than as a refusal to obey an authority others have chosen.

¹⁰Hayek, F. A., *The Constitution of Liberty*. Majority rule, p. 108. The University of Chicago Press, Chicago 1978. The errors committed by the majority do not necessarily lead to their subsequent correction. Such errors must often be interpreted from the perspective of higher cultural parameters, to which the majority may be indifferent. Democracy is, and has to be, as exclusionary a form of government as any other. Alternation of power truly only occurs at the top command levels. Democracy is not deemed authoritarian because the parameters of assessment are social issues which the majority does not care to enforce. And on those which it does, the exercise of the will of the majority can be as arbitrary and coercive as that of the worse dictator. But when it loses legitimacy, even though there are those who absent themselves from the polls in a peaceful show of repudiation of the system, the minorities usually have political wings who participate in the voting out of plain conformity, habit, or in the hope of obtaining concessions. Or because their political ignorance and lack of critical judgment makes them accept the alleged merits of the system. They do not stop to think that their absence from the polls as an act of political dissent would make patent that the system is electoral only for those sectors who have real voting strength, and that not in every democracy does the majority platform represent the will and choice of the people. Although the participation of the minorities in the electoral process does not imply acceptance of despotic majority rule, such participation gives the impression that they are in agreement with the system.

I have always thought that democracy is the system which politically alienates man the most in order to remain in force: it needs to create the unfounded belief that a vote at the polls automatically establishes a valid state of right and promotes social welfare. The former, however, depends on the contents and not the mechanics of decision-making, and the latter has been also the result of scientific and technological development. Actually, voting is sometimes not even an efficient means of putting the will of the majority into effect, as when inside maneuvering allows certain groups to hold the reins of power no matter who wins the elections. Therefore, if we deem democracy to be the ideal system to strive for because it is the most adaptable to the spirit of free men in our time, we must devise a way of rescuing its true essence while avoiding the problems presented by its classical electoral and decision-making mechanisms. This is a difficult task because the large majorities have gotten too accustomed to equating those mechanisms with justice, so we must attempt to avoid direct clashes with those mechanisms while ensuring that they do not become anti-praxical.

A democracy where some votes have more value than others would not find easy acceptance, and it would be even more difficult to ensure its fairness in practice. We could, therefore, create the concept of a true representative democracy, by which I mean a system where all the various socially significant sectors in the various historical moments in the life of a people would be represented, not only in a social pact but with equality in practice. We would then need first to identify and incorporate these sec-

tors in a balanced and reasonable manner. These associations could be made up of farmers factory owners, professionals workers, or any of various groupings representing legitimate social interests. They would each be represented by a single individual elected by a majority of each sector, and this individual would have a single vote in a temporary government with power to legislate and to name the administration team. Important issues such as an agrarian reform could be decided by the involved people, the government mediating without the interference of groups, guilds or parties with less legitimate say over such issues.

In classical democracies, many social sectors do not achieve representation in the government, and if they achieve it, it turns out to be ineffective: a dis-sectorial conglomerate is often the only significant social sector at decisionmaking time. Yielding administrative positions to minorities is a deception, since their decisions can be canceled and their positions rescinded at any time. In a system like the one proposed above, the decisions would be more representative of a social consensus, even more than could be achieved by a large-majority democracy (one where electoral victory would be conditioned on the support of a high percentage of the voters). The advantages of such a system are easier to perceive if we extrapolate these concepts to a world democracy. Under the classical practice, it would only be a matter of time before the government would be dominated by Chinese and Hindus who would legislate according to their cultural standards, and probably promote their own interests above those of others, which would not augur well for world peace. Under the proposed system, each nation would have a single representative (or a few at the most) before a world government, and we could expect better understanding of the needs and philosophies of others because there would be less need to resort to demagoguery and because social interests would be better defended, almost like in an elected aristocracy. Still, since final decisions would have to be approved by a majority, even if a large majority were required to improve the system, nothing would prevent the formation of alliances in an effort to impose measures illegitimate before natural law. Once again we see the benefit of social compromise and the objective value of moral principles.

¹¹Please note I have omitted making reference to the term "republic." That is because it is misleading. It is generally assumed that in a republic, as opposed to in a monarchy, power resides in the people. Such an assumption denies the representative function of the monarch, and as we shall see later it is based on a wrong concept of the term people. A better criterion to define republics is that in them a pre-established legal framework, a political constitution, prescribes the social actions of both the rulers and the ruled. That is too limiting, however, since every group joined under a common framework of law prescribes its conduct similarly. Political constitutions are no more than formal versions of customs and traditions which define the legitimate actions of both rulers and ruled from the days of the gerontocracies and the first monarchies. True, in such systems, a supposed divine design and things of this sort often caused men to be born (or to be institutionally regarded as) higher or lower in status than others. But I am still waiting to see a republic where bucks and clout do not determine an actual inequality of man before the law.

CHAPTER IV

SOME IDEOLOGICAL ISSUES

No sociopolitical system has ever freed man from confrontation. We are still very far from even a glimpse of the dream so cherished where we may see one another as brothers. And that is because the real solution lies in the attainment of a high level of benevolence. Absent this, the most sound socio-political systems that enlightened men can devise can fail, although only systems like communism, which contradict nature, have structural defects which force men to fail.

The history of every people is shaped and characterized by two fundamental and complementary aspects of its life: its religion and its politics. History shows us that there is nothing new under the sun. This is to say that fundamental human nature does not change, that the problems of man are the same at bottom, and that there are no totally new historical creations. We can imagine a future where man wields disintegrating rays as weapons to fight for the possession of entire planets. The fact is the same as when he fought barehanded or with clubs for the possession of a cave. The same fights, the same interests. We must look back: there are principles which cannot be knocked down and only need to be adapted to the times. A thousand years from now these same principles will still be the foundation of every rational society. What we need is to discover the praxical analogies.

I believe that even as great a man as R. Aron has been partial in his judgment, although when he speaks of the idolatry

of history and of aleatory determinism he refers mostly to Marxists or to those who use history as an excuse to implement statist designs. Actually, history in and of itself neither furnishes criteria of truth nor dictates laws. Rather, it manifests and obeys those of human nature.¹ We must distrust history since it is written by men: we can almost always find two or more credible versions of the facts. This happens, however, only as long as there are still vested interests. When the dust settles and human pettiness disappears in the swirl of the centuries, we can at least hope to have an unprejudiced account of the facts. The study of the past cannot make us infallible in predicting the events of the future: every historical event originates in a unique social existential moment. But history does teach us what happened and why it happened, so we can extrapolate motivations, struggles and their consequences to the future. It is true that it is the philosopher and not the historian who knows what man searches for, but it is the historian and not the philosopher who knows what man has found in practice. History as a simple succession of facts provides little interiorizing ground. If, however, we conceive of it as a *directrix* through human dispositions and actions, the historical process is of inestimable value in that it reflects praxis or anti-praxis. An examination of our conscience may perhaps reveal more about our destiny than resurrecting all of our past, but such an examination will merely anticipate what later will be included within the historical process.

It is said that a people without wars is a people without history, for most historical facts worth remembering are linked to human conflict. But although the basic motives remain the same, it is important to consider the form, especially in our times, when we have arrived to the Critical Historical Point to which I shall make reference later.

I am against all fixed notions about periods of the social evolution of man. These distinctions serve a purpose in classifying and arranging the elements of the story, and in emphasizing certain characteristics which may have stood out at certain times. But, in essence, every age is characterized by how institutional life is shaped by two axial systems of life which we will refer to in the next chapter, whose praxes are one libertarian and the other enslaving. The most frequent causes of

slavery in ancient times were not, of course, class struggles, but rather war and piracy. It seems to have originated in Asiatic kingdoms, although it is said that the Sumerians already practiced it. It existed before in all certainty, except that history does not record it. Slavery also appeared to a greater extent when labor was needed to exploit riches or to perform services, but it is not the exclusive or necessary product of a system or an era. Even now we are witnessing an era of neo-slavery of universal and totalitarian character, where the enslavement of labor is disguised precisely as its emancipation. Neo-slavers do not sell people in the open market, but they deprive them of alternatives; even worse, they mean to enslave their minds. Unlike their predecessors, neo-slavers do not flaunt any right to enslave; thus, they pose a far more dangerous threat to freedom. There was certainly an era when slavery was institutionalized in a part of the world, but where communism rules it is sanctified.

Ideological concerns with respect to some grounds of human confrontation

Although we can say that man confronts man because of an immature management of some of his basic instincts, leading to injustice and aggression against human rights as primordial causes, we cannot apportion the blame equally, even worse when the struggle takes on a political character. Nobody can deny, in that sense, that there have been peoples throughout history who deservedly inspired either fear or mistrust, although it would be unfair to generalize against an entire people and their entire history. But neither should we blame governments or armies exclusively for negative tendencies in peoples, as cultural traits play an important role.

Besides ambition, the most frequent cause of confrontation between men is racism, with such variants as chauvinism and jingoism. It is directed externally at first, but it also turns inward as the groups becomes heterogeneous. Racism might be triggered by larcenous or bloody historical deeds, recent or remote, but usually represents a basic failure of empathy. When men confront one another because of religious differences, racist churches are generally involved. Present-day

instances of racism and counter-racism are saddening to observe. One must, however, also realize the existence of natural differences and circumstantial realities. In truth, although every legal or humanistic generalizing discrimination against a human group is outrageous, there are areas where everyone must be free to discriminate—as in deciding whom to befriend or whom to undertake economic activities with—not only because these are corollaries of freedom and property, but also because many feel existentially in tune and can function properly only with certain people.

Ideological differences themselves give rise to confrontation. Advanced communications have greatly facilitated the exportation of ideals and violence, and ideological struggles per se are much more typical of modern times. Class-related ideologies, however, are nowhere to be found; and religious divergences of ideological relevance are often due to the influence of ideologies on the churches. There is no such thing as a revolutionary ideology either: a *reactionary* one, perhaps engaged in restoring fundamental values, may find itself in the opposition and eventually become revolutionary. Communists use the term “reactionary” to designate democrats and capitalists because the liberal ideas of the democratic revolution are considered conservative today. The Hegelian left had interpreted the ideas of Hegel in the revolutionary sense, as a mandate for changing the political reality of his time. To some of his followers, however, the cultural and political realities of the time seemed quite rational, and this the Hegelian left called reaction. Those who struggled to free themselves from the communist yoke were truly revolutionaries, or is Nicaragua in the throes of a reactionary revolution?

Similarly, the terms “liberal” and “conservative” have designated different ideologies since the French Revolution and Latin American independence from Spain. The conservatives of the time fought to preserve an aristocratic society (not to be confused with aristocratic government), one where, at those particular times, status depended more on the will of the king and undue privileges than on one’s own merits. The liberals opposed this, and they settled their differences in blood. Conservatives are usually thought of as followers of the established regimes, but it matters how far back we start to count

time. Who are the conservatives in the Russian Republic, for instance, the new capitalists or the old communists? Here I will use these terms to refer to what they commonly represent in the Western democracies. Since liberal and conservative thought may coincide if we break down the barriers of the time, their political ideologies may also coincide. When minds are closed, however, the extreme conservative tends to be intolerant and automatically reject whatever good can be brought about by change. The extreme liberal, in turn, seems rather to be the product of an unresolved conflict with paternal authority.

The true conservative certainly believes that within a community some people are wiser than others, but more than that he believes that there are wise principles which should be followed by all. Man did not begin to experiment in the eighteenth century, and it is time that he learn right from wrong. To believe in objective and stable moral bases of behavior is not an attempt against freedom. Rather, it makes freedom rational—by the light of a higher reason, of course. This, naturally, is the purest conservative principle, neither ideological half-measures nor individual expressions of conservatism. The liberal principle, in turn, is equally to be respected when the change sought is a return to lost fundamental values or a search for praxis. But, individually, many liberals today tend to favor permissiveness in customs, arbitrary rule by the majorities, socialism and atheism, or, on the other hand, anarchy in the market. I cannot accept, however, any attempt to categorize man as either liberal or conservative in every order: economic, political, social and moral. It is possible to be conservative in some aspects and liberal in others without contradicting a consistent point of view. A necessary and equal appreciation of all levels, characteristic of every scrupulous philosophy, is determined by a deeper cosmivision. I favor a conservative bent much more these days, albeit a more radical one. Conservatives and liberals, however, can and must find nexus points since they confront a common enemy. Only two basic ideologies pit man against man today: capitalism, the natural ideology, and communism, with its strange insistence that the abrogation of a fundamental right be accepted as ethical. Communism has become the anti-natural ideology par

excellence. And, as it is quite evident, the violation of such right leads to the violation of others.

The constitution of empires is also a concern for ideology. If the basic argument against an empire is that it is kept together by force, many modern nations could fall in that category. If it depended on them, the Basques might have already seceded from Spain, to mention just one (and not the best) instance. An empire based either on conquest or on undue influence over others cannot be justified, even if the majority of the people consent in being annexed and in losing their sovereignty. The issue always reverts to the fundamental question of who has the right to rule. Empires originating in alliances and joined under a chosen leadership for the purpose of defending rational ideals, however, respect at least autonomy and need no justification.

Until not so long ago, treaties or political marriages linking noble rulers gave birth to legitimate empires, which also came about through the subjection of enemy states when the rulers respected the natural rights of their new subjects. But a legitimate empire may also have its origin in the accelerated development by one nation, which leads to the acquisition of power substantial enough to influence the decisions of others. What is at play here is natural expansionism, economic as well as ideologico-cultural, and a leadership which attracts and binds allies. Cooperation treaties are signed in these cases, and the countries which accept the leader obtain protection against their common enemies and aid to solve internal conflicts. Both economies should benefit, although the advantages go to the leader, not because the treaties are necessarily unfair but because it can make better use of resources. Also, the metropolis tends to centralize some industries because it attracts the most highly skilled. This should not lead to poverty in the periphery: those who have realized themselves in it usually project to their roots or even go back home to nourish them. Until recently, there were two major empires in the world: the Union of Soviet Socialist Republics and the United States of America. Although the latter has sometimes adopted frankly imperialist policies, it is based on legitimate alliances and has shown itself susceptible to change. The remains of the Soviet Union, on the other hand, would seem to be giving way to the

formation of an informal alliance of communist parties intent on eventually reconstructing the same kind of empire counting on, and fostering, an economic failure and social unrest in the underdeveloped countries.

This, of course, is not the place to discuss all the possible motives of conflict. Economic, strategic, and even reasons of honor have played a role. Internal conflict mainly takes two forms: revolution and civil war. The distinction is not clear cut, however. An established regime usually has its supporters, and what is interpreted as the revolutionary struggle of the people against the government may actually be one of one segment of the population against another. That, for example, has been the situation in El Salvador. The term "revolution" only refers to an outcome, a *fait accompli* when there is a change of the old order, or to the insurrection which aims to achieve that.

Not every revolutionary insurrection may be categorized as popular (that of a fundamentalist cause), since a revolution may originate in or be imposed by unreasonable minorities. An ordinary insurrection, unlike a revolutionary one, is merely aimed at attaining power, not a change in the structure of society. Revolutions often have their origin in injustice, but at other times they may even consent to it and impose tyrannies. Revolutions tended to be of a more popular nature in the past. Many of the modern ones tend to be ideological and internationalist instead, very much imported revolutions. More often they are appropriated. The communists are still behind almost every revolutionary movement in the Third World. Just as a group may change in its acceptance of an ideology, so does the nature of a revolution. In El Salvador, for instance, an insurrection which initially was idealized by the majority ended up being supported only by a minority. History shows that class struggle is often blurred, and each side can count on support from different social strata. The human conflicts which have generated change have been motivated more by racial intolerance and a desire for conquest or riches than by class differences. And there have been major changes which have nothing to do with the above: the spiritual movements brought about by religions, for instance.

Machiavelli stated that ambition and the desire to oppress was at the heart of the conflict between the powerful and the

people² (the majority, the governed). Especially in a civil principality, he believed, the prince should support as more just the will of the people not to be oppressed. Although such a will is not a special quality but rather a sheer bio-psychological drive, Machiavelli pointed out the circumstances which most frequently bring it to the fore. It didn't escape the author, of course, that a powerful class, legitimately constituted, neither usurps nor oppresses, and he would not have failed to note today that there are sectors of the people who are ideologically inclined to both usurp and oppress. The intimate relationship between matters of justice and property moved Engels to assert that the goal of all revolutions was to substitute one mode of property for another. This is true to some extent, but revolutions usually arise in order to change the unjust ownership of property, not necessarily the system of ownership itself.

One major ground of (modern) human confrontation is nationalism, which, to me, becomes an issue of ideological relevance only as far as national interests identify or clash with fundamental cultural values. As I have mentioned, this is also the case with democracy. There is still disagreement upon whether the republics installed in the US and in France were really meant to recognize the rights of each and every individual, or if they were meant to establish a new type of dominion through bourgeois financial oligarchies. Time seems to favor the first explanation, but this better left to the historians. What matters here is that the principles of mutual respect and of a legitimate rule of right are not inherent to any democratic or republican organization, but are rather the product of reason. Thus, it is irrelevant the argument that many contemporary sociologists wield in favor of democracy, which is said to determine the social order spontaneously and *from below*, while central power does it *from above* and *from outside*. This formal scheme is useful but does not by itself transcend towards parameters of content. This is why hierarchically established social orders—such as the first aristocracies and monarchies—lived through ages without thereby becoming alien to their peoples. Besides, the hierarchical order seems to occur in a more spontaneous fashion than the democratic one, which by the way implements its policies through a hierarchy. In any case, reason weighs more than consensus and, as I have shown, the democratic agreement is lim-

ited to those who agree upon something. More important, for oppressed minorities as well as for individuals deprived of their rights in a democratic way, the established social order will be perceived as coming, as it does come in fact, *from above*.

Of the dialectical struggles

A thorough analysis of the dialectical aspect of nature would deflect us from the purposes of this book, but some features of that aspect contrasted with Hegelian philosophy—which proposes a concept of reality that requires a negative rational moment—merit examination. The dialectical method is a discursive philosophical one which Hegel ascribed to the process of becoming. As is well known, it is a way of seeing phenomena and change as a resolution of the opposition and contradictions between two premises (thesis and antithesis) by means of a superior arrangement (synthesis). Hegel explains the origin of the phenomenal world through the dialectic display of *Idea*, which manifests in the creations of the spirit and nature in the process of discerning itself. As the concepts move through successive series, contraries are rejected separately but affirmed together in the synthesis, and objects are generated. The method is not exclusive to Hegel, except in its application to the very nature of things: since for him being and thinking are identical, what is rational must also be real. Fichte applied it to the way of knowing, and ancient philosophers posed similar problems. My main objections to Hegel are not of a formal order. It is the unplausibility that the spirit generate the objects through a dialectic process, the unrealistic explanations in the latter, the reification of the concept, the sterile results, and the lack of incorporation of the becoming within the forever present, without which we cannot conceive of any absolute category as *Idea* would be.

To Shankara, the great Hindu philosopher of Vedanta, human reasoning could never fathom reality (beyond the senses) properly because any thesis would be countered by an antithesis supported by reasoning as powerful as that derived from the thesis. For Shankara, the solution or the truth cannot be obtained through reason. Rather, it is based on a metaphysi-

cal experience which grasps reality directly, without the interference of the intellect. This is debatable, because reason must be able to grasp, or at least categorize, reality once it has gained sufficient knowledge or experience.

It is said that a state of equilibrium of the forces of nature could mean an absence of events on the physical plane. But that is a concoction based on the suppression of physico-mathematical time, which does not imply an underlying absence of opposition as the reason for the presumed absence of events—actually, that sort of equilibrium assumes opposition. And yet, we cannot conclude that the latter—and even less, negation—constitute the ultimate agent of change; the entities originating opposition would be precisely that agent. It is true that science has been regularly discovering opposing particles or forces. Besides, the ongoing course of nature meets at every step with states of opposition, and also with conflicting alternatives at the point of emergence of consciousness, both seeming to give rise to action or change. In the first instance, the driving force for change arises from the expression of its nature by every physico-mechanically opposite unit, or better yet perhaps, from the nature of a wider physico-mechanical arrangement whose expression is polar. In the second, there is a previous generation of certain contents of consciousness when the spirit projects its will towards objects as possibilities for action or reflection, giving rise to an intelligible dialectical situation. Although at this stage such situation obviously is a determinant for action and for the generation of an actual dialectical situation, it is really a previously constituted and teleologically projected *supra-dialectical existential moment of the self*, acting through the will over all of the mentioned events, which brings about change. In the last analysis, dialectic facts are operating field or the result of the polar expression of an existential moment, and rather reciprocally conditioning, intermediate or derivative causal substrates. In this work, the main subject of our concern will be the analysis of the dialectical field generated by the individual and the group as subjects of right, in the understanding that both constitute existential affirmations possessing a self-sustaining logical and socio-legal status.

From the standpoint of our naturalist-objectivist position—which rejects any basic split between logic and factual reality—dialectics roots fundamentally in the instances of antagonism found in the praxis, with their intelligibility expressed in propositions with a content of truth or falsehood depending on their accuracy in identifying the facts of reality (in this context, the formal logical scheme of opposition seems too restrictive).³ Now then, in many situations we cannot identify a direct opposition or contradiction, and—to derive from an Aristotelian concept—the occurrence of phenomena must be attributed to the development of linear potentialities implicit in organized matter. It is generally accepted today that dialectics cannot be demonstrated in the field of science. The problem lies in that we can find an opposite for everything and a synthesis for every opposition, at least in the form of contradictory premises and arbitrary setups or imaginary displays of the involved facts. From here the need of an existential support for opposition. But despite that a solution through the integration (rather a comparative assessment) of their contents of truth could be posited, as soon as the fact of reality they refer to is empirically verified, one of the premises loses all meaning and the intelligibility of the fact is conveyed solely by the true premise, not so in dialectics. With some adaptation, the same works for cases where truth is shared. So-called opposites are sometimes independent events or points on a scale which reason arbitrarily designates as contraries based on sensory experience or on less than refined parameters for judging affective reactions which arise from the experience of such events. Often, what is termed negation is a factual impossibility to coexist, or simply a metaphor. It is not necessary for what is now to negate itself in order to become what it will be: it only needs to evolve or to be acted upon by an external cause. Life affirms itself directly from its precursory substrata, not negating itself as such and then negating this negation together with inanimateness in who knows what unintelligible sort of synthesis. Although every conceptualizing ground involves a contrast between A and non-A, there is no necessary opposition here, only disjunction. Trendelenburg got it right: the real-world opposition is between A and B.

Some facts of plain nature, such as movement, make sense only through the existence of an opposite phenomenon. But only at the emergent level the display of polar element is *a priori* meaningless without that of the other. Dialectics is best limited to situations where totalization is an apodictic necessity: at the level of self-consciousness in the sphere of moral values. But even if all the events in the universe had a dialectical reason for being, we cannot expect agreement upon the nature of their syntheses. Hegel's dialectics could be seen as a positive whole, given that it implies the joint affirmation of opposite poles. Thus, the Hegelian way can be useful if we can follow it without violating the principles of identity and non-contradiction, that is, by avoiding the rejection of the poles by separate *qua* poles and in logical terms. Dialectics is a holistic ensemble of reality (totalization) which includes spiritual dispositions, leading to a moment of truth (synthesis) which contains the ontological category of *solution* as required praxis. When a conflict is amenable to conciliation, synthesis takes the form of shared truth. When there is no possible conciliation, synthesis takes the form of redressing truth. Let us note that in all this negation refers only to propositions, or to entities in function of the truth that their ontological notes (worth, legitimacy, rationality) bear, not to the self-substantiveness of such notes as expression of the entities, that is, in function of being. The determinations within a totalizing process may negate the rest only when the ensembles conformed within the whole harbor conflicting contents with the fundamental direction of the process. Also, as we will see abundantly, in many cases the principle of synthesis is absent from one of the poles or premises, but it is never rationally negated at any stage. This is objective intelligibility, dialectics of bipolar affirmation being one of its moments, which flows from the fact that all forms of expression relate to specific attributed of entities: the first joint sub-axiom of existence and identity. According to this, negation is actually the result of the affirmative act of negating. Marxists, by contrast, transfer the creative or changing power from entities to negativity as a sort of irreducible being imbedded in matter and acting by itself, that is, to the realm of reified logical categories.⁴

To Hegel, the state could be conceptualized as the synthesis of the conflicting values of the family on the one hand and civil society on the other. Hegel conceived the state as a moral order and an end in itself, not as a means, but also regarded the family and civil society as ethical principles, and the latter as a result of the extension of the former.⁵ In general, I will stick to these notions, although the opposition between the state and civil society, in the context we are concerned with here, corresponds rather to what we will later term the second juridico-economic mode of the latter. Thus, the problems with Hegel do not occur in the sphere of right, since what he ends up rejecting is a unipolar affirmation and the relegation of some rational interest. In Hegel, the clash between individual (familial) and formally universal (civil society's) interests is surpassed by the state, which affirms both by means of the ideal will. But although the state obviously serves the above-mentioned purpose, the instrumentalist-functionalist view provides a more acceptable explanation of its historical origin. In regard to the intelligible aspect, the dialectical moments generated by the constitution of a human group would serve as an operating field on which praxical action is exercised for the creation of the state. The social dialectical pole, then, is exemplified originally in the collective conscience, and later in the state as the juridical representative of everyone.

The coming on scene of the state could be said to give rise to a polarity between it and natural and juridical individuals, since in practice the state acts as a confronting entity before other units of right. That is, while charged with applying justice, the state also acts on the basis of a will over things dictated by the organic needs of the community vis-a-vis the wills of its formative elements. The state would serve as the agent of synthesis, rather than constituting the synthesis itself, which belongs in the realm of principles and values. In this context, the rational negative moment of a polar interest leads to the drawing of its *permission-duty resultant*, which affirms such interest together with that of its counterpart, with different sign or qualification and yet with the same aim: to fulfill right. In one way or another, we are led to an identification of the particularist notions of right and freedom with the ideal will, where the state imposes the latter on behalf of each and

every individual. That allows us to identify particular goals with the common ones since the principle of synthesis (reason, justice, ideal will) is present in the dialectical poles under consideration previous to the discovery of such a principle through the exercise of logic.⁶ We will resolve the questions relevant to this matter in the following chapter.

Owners and bosses are opposed to workers and peasants in the sense of units of right with shared interest in the same good. Marx took a dialectic situation amenable to reason to mean an incompatibility of interests within a society. The dialectic situation which appears here is the same which appears in every affair concerning right. And since in this case such situation arises in principle over legitimate claims, nomocratic precepts must validate both of its polar expressions. But even if the interests of the different social classes were contradictory, it is not by abolishing private property, but by making justice—given its absolutizing projection—that they can be affirmed together. This is the reason for proposing an otherwise disputable synthesis out of a contradiction. For even though the contents of one or both of the premises must be formally rejected for being anti-value ontological notes, they must be kept as a necessary element both in the existential realm and for the required polar totality. Thus, despite the absence of the principle of synthesis (justice, rationality) in the thesis or in the antithesis—or in their concrete correlate when considered by separate or at sub-emergent levels—its extrapolation as a *totalizer* (holistic integrator) pervades the whole ensemble. And since dialectical events generate by themselves a normative structure—anticipated by the solution and which in our case happens to be the state—as a moment of social praxis all irrational interests must be integrated with those of their antithesis, and then redressed in a univocal way in the context of how they rationally ought to express themselves in their shared spheres with such a structure.

One attempt to force contradictions is between production and consumption, obviously praxes of economic and biological values. The moral contents relating to each event are indeed of a dialectic nature, but between a doctrinal moment and its praxis, there is only a linear logical display. Conceiving a dialectical situation in these cases is a contradiction in terms,

as antagonisms are not intrinsic to their logical display, but relate to man's indefinite psychological states, hierarchical orders, untruthfulness, or to circumstantial incompatibilities. Dialectical situations do take place between the instances of a praxical spectrum. Although they represent an arrangement of categories of the action to logically sequential axiological values or tenets, the way they show before the spirit intrinsically implies a confrontational choice. But production and consumption belong in different realms whose confrontation, if ever takes place, would be circumstantial and related to another totalization.

Engels attempted to demonstrate the validity of dialectics by means of certain scientific observations of his time, but he delved into purely physical phenomena such as electricity, magnetism, which to him presented evidence of a dialectical process throughout the universe. No more needs to be said here than that in order to infer such a law we would need at least a phenomenological depuration of opposition.⁷ The laws of transformation of quantity into quality, of the interpenetration of opposites, and of negation of negation, are but later formalizations on Engel's faulty attempts to find correlative concrete realities to Hegel's development of *Idea*. The first one states that a qualitative change only takes place as a result of the addition or subtraction of matter or motion (energy), and its fundamental application rests on its historical implication, where gradual changes in the social forces (quantity) supposedly result in sudden and violent transformations of the social systems (quality). If this were so, it would be hard to justify a quality-lacking struggle between the social classes as a means for social transformation. We will say more about this in chapter ten.

Certain lucubrations have arisen lately, for the purpose of proving the existence of a Christian dialectic compatible with Marxism and opposed to capitalism. This will clearly be seen as false later. It is between capitalism and communism that there is a genuine contradiction, not because of an incompatibility between the interest of the social classes, but because of one between the right to property and its negation. The social dialectical moments involving property—how they become embodied in the concrete dialectic situations corresponding to the above-mentioned ideologies—will be the main subject of some of the

forthcoming chapters. However, it must be clear by now that a true dialectical intelligibility of social dynamics cannot be achieved leaving out parameters of ethical content, which is the universal approach of Marxist philosophers. Reduced to material determinations, the concept of right is unintelligible, and its quantitative coordinates can cross wherever we please.

Utopian societies

An utopian society can be seen as an idealistic collective display of humanistic potential. However, the worst dispositions can actually hide under the guise of humanistic aspirations. Utopian societies concern us here because they facilitate the understanding of the orthopraxis of right.

The Utopian Society of Perfect Men. Let us accept the following statements without discussion for the sake of the exposition. In chapter XIII we will show their rationale. We could envision this society when man has *renounced* the world, a doctrine found in the principal religions. It implies, at its climax, an ascetic life and an absence of desire, which would bring us all to higher states of consciousness. In sum, a society practically in a state of samadhi, nirvana, or ecstasy. Men, genuinely saints all, would be detached themselves from matters relating to property, yet acknowledging its role as a fulfilling tool at lower stages of evolution. From what we know of man, such a society will only be attained after a long learning process, perhaps never. Only a few ever reach perfection. This society, of course, cannot long function in this world. When this society is achieved, the curtain falls and man returns to his primordial absolute state.

The Utopian Society of Ethical Men. This is the society we could truly aspire to, fundamentally peaceful and cooperative. A man of the here and now with well-intentioned desires, benevolent, unselfish, and socially evolved, is a man we can conceive of: the ethical man, productive rather than renunciatory, a socially ideal being who respects natural law.

The institution of planetary citizenship and the erasure of borders could be considered a step forward, sociologically speaking, but it is not indispensable (even though it would be favored by the full individuality that will characterize this

society) and it does not preclude administrative borders. It would entail a great wealth of philosophical knowledge and probably the absence of deprivation. Unless there is a peremptory need, this utopian society will surely be best served by an outright capitalist economy, and the secular functions of the state will be performed by the family or by autonomous private institutions. At its pinnacle, delimitation of private property will be at its utmost—that is, everything will be in private hands. Since most men will have attained high moral values, law and government will become superfluous because natural law will be respected. This would not imply a loss of hierarchy in institutions: only political power would be eliminated. We must assume that this society will not be installed all at once. Until it reaches a certain level in its evolution, some criminals will remain, although special forces, courtroom hearings and trials, etc., will be just second or third-instance mechanisms to apply justice, and criminals will be punished by ethical men acting by themselves. The application of justice by one's own hand will no longer be anti-praxical.

The proposed last stage of communism is nothing but a form of this society, but the communists would achieve it in the wrong way and by the wrong means. When the time arrives, according to them, everyone will take only what he needs, probably with no money changing hands. Such concepts are not needed, money can continue to be a means of exchange, and we may even imagine great differences in wealth. The basic characteristic of this society will not be equality, but a nomocratic state of right. The Utopian Society of Ethical Men is much easier to attain through capitalism, whose end is the individual. In it, the individual will be completely fulfilled and man will finally become his own judge, *the person-state*. Principled anarchy will be instituted. Let us note in passing that when the communists themselves speak of a future anarchy they are only elevating the individual, and thus contradicting themselves.

The Utopian Society of the Common Man. As the reader has undoubtedly realized, a long time must pass before we can attain the previous society. Something more practical, yet still based on principles of ethics and justice, is needed in our time. We are not even reaching for the social perfection of

man here, and therefore human law and the state must persist. The utopian societies of the common man are only platforms to build on, proposed as a solution to the dialectics of the time. Such was precisely the basis for both the democratic and the communist revolutions. They meant to achieve certain immediate solutions in order to have a foundation for further progress. Communism, however, was wrongly inspired.

As a kind of synthesis, a special way of social normation is often proposed (such as the philosopher kings of Plato) and a new or modified socio-economic system is envisioned. John Galt's valley,* the creation of Ayn Rand, is a utopian concept based on the natural system of life, a close approximation of the Utopian Society of Ethical Men. In this ideal state, no written law is needed since transcendental knowledge reigns in social matters, just like there is no need for philosopher kings to rule because every man is more or less a philosopher king. Any organizational norms and protective measures which might arise would be spontaneously adopted by the collective conscience. The law of the philosopher kings takes on a meaning in addition to the transcendental: it is now also human law.

* * *

In social matters, I believe in the development of potentialities and in praxis, not in totally new creations. These could only be those who obeyed their own rules, which in social matters neither has been nor is now observed. Man is the same today as he was thousands of years ago, and he must look for the cause of his problems in himself and not in what he, as an emergent level creature, has the duty to transcend—such as material or economic determinants. Only man is the wolf of man. He may choose an anti-natural system of life out of confusion, but he will reject it when he becomes aware of its essence. An ethical system of life can promote the development of man, but it will not by itself

**Editorial note:* The valley in reference is described in the novel *Atlas Shrugged* by Ayn Rand. It is a refuge to which highly creative businessmen in the US decide to march, in protest against a lack of recognition for their labors instigated perversely by false humanists. While the absence of entrepreneurial talent causes the economy outside to fail, a policy of strict recognition of individual contributions reigns inside the valley. Payment is in gold.

instill ethics in him. Man must turn inward for immutable knowledge if he wishes to achieve this. It is important to understand the utopian societies, for trying to establish the first two untimely is not orthopraxical and usually leads to totalitarianism. If it is possible to find early remedy for the ills of mankind, this must lie in obeying this wise maxim: "Respect for the rights of others means peace."*

Man has overcome little by little the age of militant societies and is now ready to step (in a future perhaps not far away) into an era of capitalism lived at its fullest. Thus, it may be possible for contemporary man to find solutions, among them a new society of nomocratic inspiration, based on a new social contract between all the nations of the world.

Notes

¹Aron, R., *El opio de los intelectuales*. Ch.V,pp.157-162, and Ch.VI, pp. 163-169. Ediciones Siglo Veinte, Buenos Aires 1979.

²Machiavelli, N., *El Príncipe*. IX, Del principado civil, p.122. Editorial Bruguera, Barcelona 1978.

³Disjunction is the only fundamental logical category when truth is disputed, and the only distinction we need to make between opposition, contraries and contradiction is that of compatibility and incompatibility, since in the existential sphere contradiction corresponds less to the A versus anti-A than to the A versus B figure.

⁴Dialectics, as shaped by our existential dynamics, grounds in a *supra-dialectical* moment of self, that is, a disposition of spirit constituted by the experience (*historic totalization*), which anticipates (but also reshapes through) both the conflict—occurring through the contents of conscience generated when an object, a drive or a desire is interiorised and acted upon by the will (*pre-moral totalization*)—and the solution—occurring when such contents are constituted within the existential moment of the self (*axiological totalization*), a choice is made and synthesis is produced. And the experience of truth herein arising is in turn confronted dialectically with the previous knowledge of it to mold a new moment. Now then, totalities may also be found at sub-emergent levels. But the polar ensembles which occur here appear as determined by elements that have their full meaning within themselves and which display their contents *in exteriority* with respect to each other—such as in mechanical opposing fields or even in the interactions between life-preserving drives and challenging environmental conditions. Sub-emergent becoming can make sense in the absence of contrariness, not so moral praxis. In the first case, there is a simple inertial or biopraxical outcome, the category of *solution* being intelligible only when both polar elements bear moral contents, as an apodictic necessity of the confrontation between two praxical instances of the same value or between

**Editorial note*: This maxim was coined by Benito Juárez, a Mexican revolutionary statesman.

value and anti-value. Thus understood, negation is inconceivable in such things as the unifications of matter by man (the making of tools, for instance) in themselves. And the reduction of synthesis to interactive assemblage or of negation to resultant is similar to seeing choice in a physical directrix.

⁵Hegel also wrote, "The state is the ethical substance which is conscious of itself, the coming together of the principles of family and civil society."⁶ And elsewhere, "The expansion of the family, as its transition into a new principle, is in the external world sometimes its peaceful expansion until it becomes a people."⁷ To Hegel, in civil society the substance loses its ethical character—its universal presence only serving as a formal mediating connection among independent interests—which is regained in the state. As to explain change, what is proposed is the negation of a principle which is to be affirmed later in a synthesis. What seems to happen in civil society, however, is not a negation of the *ethical substance*—which Hegel finds in the family as immediate or natural spirit—but a degree of social atomism, although this is transcended through institutionalizations. Such formal negations are imaginary: social evolution is perfectly intelligible through a linear arrangement of the facts.

⁶Hegel, G. W. F., *The Philosophy of Right* 186, pp. 64-65. Great Books of the Western World, Encyclopedia Britannica, Chicago 1952. Hegel expresses himself thus, "But in developing independently to totality, the principle of particularity passes over into universality, and only there does it attain its truth and the right to which its positive actuality is entitled." As we see here and in note five, in the dialectical conception of the state both the principle of particularity and that of universality must be maintained. If the particularity principle is left unlimited, the pursuit of self-interest could not achieve social harmony. Thus, Hegel recognizes the legitimacy of the particular interest as a means, and only when it acts as a link in the social chain. In civil society, then, where through the mediation of the state we can conceive of a state of law, the family is seen as a particular whose interest must be recognized but mediated through the universal one. By universal, however, we must understand here a principle common to both the group and the particulars—not the Hegelian concrete universal, which denying both is still supposed to realize itself in the particulars. Strictly speaking, no universal concretizes, manifests or particularizes into the parts of a whole. There are only objects which share similar substrata of nature. Universals are only abstractions based on the common manifestations of such objects. In the subject we have been examining, universals would be found in the opposing entities as the principle of synthesis.

⁷Engels, F., *Dialectics of Nature*. International Publishers, New York c1940. But it is the supposed conflicts between the whole and its parts that the dialectical conception of reality has been carried to an unacceptable extreme, for that seems to assume conflict in the mere analysis, so much as to entail opposition between every single fact, thing or event and the universe qua parts of it. Can we really hold that a symphony is negated by each and everyone of its notes? Those are typical cases of *locus irrationalis*. Conflict can indeed take place between specific contents between the

**Enciclopedia de las Ciencias Filosóficas*. El espíritu objetivo 535, p.270. Editorial Porrúa, México 1971.

***The Philosophy of Right*. Ethical Life 181, p.63. Great Books of the Western World, Encyclopedia Britannica, Chicago 1952.

whole and the parts but not between them as such, and the conflict duality is transcended by the immediate or *a priori* intelligibility of the ensemble, so in the last instance the whole is integrated affirmatively.

Now then, there is only an imaginary contradiction between human labor or activity and its object. Sartre (in his *Critique of Dialectical Reason*) asserts that an analogous situation would take place between a house and the activity of building or inhabiting it, which leads to elaborating an unreal synthesis: the synthetic unit house-building and inhabiting. The house and the labor of building it certainly constitute a real unit, since the labor is incorporated to the material means for achieving its construction. But between labor or action and its object, or between living and inert praxis there is just linear (straightforward, derivative, *analytical*) logical display, dialectics arising only when conflicting interests of moral content bear upon the abovementioned categories. Similarly, the act of inhabiting conforms with the house only a bio-praxical ensemble whose character is not polar nor demands a solution. Here, antagonisms relate to alien conditions such as anti-fulfilling attitudes or situations.

It is the same with the presumed conflict between productive forces (the natural resources plus the technics and structures of production) and production relationships (property relationships, in essence), where the former, thus described, are exclusively economic categories not even showing opposing sub-emergent features. Since these are but objects of the action and inertial ensembles, a dialectical situation can occur here only between the emergent-level determinants of the property relationships. And since these constitute already a synthesis, they cannot be regressed to the category of dialectical pole within the same field or event. The worst thing about guiding dialectical reason in this manner is that it necessarily leads to the customary conclusions: that granting rights to an individual negates the rights of others, that the outcome of denying individual rights is an affirmation, and so on. Nomocratic holism, on the contrary, does not conflict with individualism.

CHAPTER V

CAPITALIST PHILOSOPHY

The thoughts set forth in the previous chapters enable us to gain an unbiased understanding of the various socio-political systems. For their definitive evaluation, however, we must analyze the consequences which derive from the unfolding of their inner logic, in practice as well as in theory, in order to assess how they fit the principles of practical reason and the fundamental concepts of right and self-fulfillment evident to every unprejudiced human being. That will be our task for the rest of this book.

No political system is a mere economic system. Economic science deals with the best ways to fight scarcity according to quantitative parameters; a social system must incorporate parameters of legitimacy. Capitalism is usually thought of as the social organization in which all property is privately owned, a useful although somewhat idealistic definition. What is essential to the system is that property ownership fit the tenets of nomocratic right. The existence of common holdings (such as the money destined for the state treasury) does not contradict it, since particularization does not point out specific subjects of right; it merely demands that these have sources generating such right on the basis of meritorious action. Thus, neither producing by means of capital defines the system, but rather the parameters that determine the ownership of capital. In the proper context, we can characterize capitalism as the social system which develops from the rational channeling of psychosocial nature, or better yet perhaps, as an integrated proposal of political life for contemporary peoples derived from the principles of practical reason.

In economic matters, capitalism reflects a naturalistic ethic which is termed selfish by the hypocritical and the sanctimonious who fail to understand the very simple fact that every appropriation is, qua a primordial drive towards fulfilling a need, essentially *selfish*. Arbitrary appropriation, characteristic of animals, is another matter.

To choose a social system, even an anti-natural one, is really to choose a philosophy and to embrace a code of ethics. Thus, when the cosmovision of philosophy is focused regionally on the socio-political field, one can refer indistinctly to philosophy or to ideology. Perhaps it was the fact that the acceptance of an economic system implies the acceptance of an ideology which made Marx state that every human motivation was economically determined. However, philosophy is much broader than economics, and *contradictions* which arise within the latter are subordinated to higher-category dialectic situations within the former and in human motivation. The spirit of every practice, science, system or doctrine must be morally justified. In medicine, for example, all our investigations and discoveries would be worthless if it were not ethical for man to cure or alleviate disease. Capitalism, then, cannot be thought of as exclusively an economic system. Its triumph in practice would be dimmed if it did not have a valid ethical base. Even respectable capitalist authors as von Mises—through his *Human Action*—affirm that to assess an economic fact as good or evil we must rely only in its usefulness to achieve a desired or chosen goal. But absent nature-based criteria, there is no way to judge any methods better than others, as each one would evaluate them according to the nature of their goals. Thus, confiscations would be fine as long as they were aimed to attain the desired goal of establishing socialism.

Today capitalism is found mainly under democratic governments, mixed most of the time with some anti-libertarian statism. Capitalism is not identified with any particular system of government or class, only with the individual, whose fulfillment it must promote in a generalized manner. Under capitalism, the state fulfills its proper functions, but every individual, family, enterprise, and institution is a center of power. That is why capitalism, lived one hundred per cent, is just a step away from the realization of the Utopian Society of

Ethical Men, and should be the only system extant in the twenty-first century. Capitalism is the only economic structure which never proves anachronistic, since it occurs as (and in essence constitutes) the extension and logical projection of the familial model on the social scale.

Attacks on capitalism are usually accompanied by illustrations of what France did to Algeria or what the English did in India. Such examples are presented as necessary consequences of the system. What about Canada, Switzerland or Sweden? It makes as much sense as attacking communism only because of what China did in Tibet and what the Soviet Union did to Hungary. What we have been observing historically is the progressive democratization of the countries which live under systems of free enterprise, and on the other hand, the return of communist countries to the law of the jungle as a necessary consequence of their philosophical system. It is not necessary to analyze any economic system in order to understand what France did to Algeria, only man with his base impulses and flaws. The concepts of capitalism can never be refuted by presenting instances of human corruption.

Natural capitalism

It is only recently that capitalism has been subject to academic analysis. But even so-called primitive communism was more of a primitive capitalism, although its definitive characterization as a doctrine is a recent historical event. And its praxis—manifested in the normal *modus vivendi* of society—is as old as man. Only fools believe the world was invented yesterday. Profit, for example, was already present in a rudimentary form among primitive people. A harvest which produces more than what is strictly needed for survival makes barter possible, resulting in profit for this primitive enterprise. Barter is obviously not the equivalent of modern trade, but the spirit is similar as both aim to get an economic advantage. What matters most is the acknowledgement of the individual and the institutionalization of his right to property, both present in ancient times. Large capital is not basic to capitalism. To argue that capitalism—as a general basic political doctrine—did not exist ten thousand years ago is like

arguing that religion did not exist then either, on the basis that there were no temples, sacred texts, or evidence of great metaphysical understanding. This is not to assert that present socio-political systems are exact replicas of those of ancient times. Each culture and era imprints its own special seal; but this can be deemed capitalist as long as it preserves a nomocratic legal structure. The doctrine has been frequently distorted, and the ideal has never been realized. The liberal concepts of *laissez-faire*, the economic doctrine that government should not interfere with economic activities (derived from the thought of Mill, Smith, Bentham and others) were an outcome of an utilitarian vision and of their opposition to mercantilism. But in doing that, they took a necessary condition for capitalism—the establishment of a system of free enterprise—as a sufficient one, and thus fell in a sort of domestic mercantilism. Whenever we use this term in connection with capitalism, it should be understood in this context. Laissezfaireism (to let people do as they will in economic affairs) dismisses the constitutive goals of society, and can bring about terrible injustice. The *tyranny of the fittest* is in no way acceptable to natural capitalism.

Res organica and res persona.

The matter of priority and the social dialectics of right.

The full development of the individual as a community goal means his fulfillment in every field: economic, biological, social, ethical, esthetics, psychological, mental and spiritual. Our basic concern throughout this work will be the material aspect in its relationship to right. To some extent, man was a full-blown individual both biologically and psychologically when he first appeared in the world, just like the superior animals. Still, the conditions were not ripe at that moment for his total development, especially in the social aspect. At the very beginning, the individual was not, for example, recognized in a reasoned manner as the object of a right to property. Such a right seems to have been respected either unconsciously or on the basis of someone else's strength and the natural disposition to avoid conflict. Various modalities of possession appear with the passing of time, but it is only with the advent of cap-

italist civilization, that the individual becomes the full object of that right in a rationally generalized manner. However, the individual will reach that fullness in the social aspect only when, as a result of his total development, he becomes able to be his own judge. The highest doctrinal-practical capitalist moment occurs at this time; all others where the state has a role are inferior in the light of reason.

Now then, the common anarchist claims to defend freedom by abolishing the state (or by personifying it in everyone) but tends to deny to individuals the right to property. There are anarchists and there are anarchists, but most fall into terrible contradictions. And when man becomes his own judge once again, as the Communists dream and the anarchists already propose, won't that achievement be based on total individuality? It is better to start now by means of capitalism, the philosophy which sees the community as each and every individual rather than as the group separate from every one. This also excludes so-called rational egoism, which, as we analyzed in chapter two, cannot be universalized without contradiction.

I believe that the label of selfishness has been pinned upon those such as Mill who in no way deserved it. Mill clearly describes how individualism is able to resolve the conflict between freedom and authority. He did not accept a contract (or any rule derived from a consensus) as the origin of society, and he expressly wanted to limit the authority of society over the individual. But he was equally clear in affirming that the latter is obligated not to harm the interests or the rights of others, not even with words. Mill believed that when this obligation was not fulfilled society acquired jurisdiction over the individual. All these concepts are not at all libertine, although it depends on how we delimit each sphere of right. Mill based himself more on utilitarianism than on genuine capitalist tenets, but I think that his ideas are closer to nomocracy than to socialism.¹

Many believe that it is moral to strive for the welfare of others but not for one's own. Every man, for he is an end in himself (and because no one else can show any source of merit over his natural endowments), has the full right to use his skills and talents for his own benefit, and when he does so in a legitimately legal framework what benefits him inevitably

benefits others. Furthermore, the principles of practical reason, through the experience of good and evil, are always found first projected on oneself. Only thus can we learn to want good instead of evil for others. The pursuit of good for ourselves, therefore, is a natural and not an egoistical act. What is good for others must also be good for us. Greed and the pursuit of self-interest to the exclusion of others reflect a negative and counterproductive attitude or a wrong philosophy of life. But the individualist is misjudged because of his refusal to work for those who either do not contribute or do not deserve it. The anti-concepts have so pervaded the popular conscience, however, that many feel selfish if they do not begin to distribute everything they have legitimately achieved. Cooperation with others is an act of human solidarity. It is a sign of ethical progress. But the egoism of believing that one has a right to what one has legitimately earned—whatever has been obtained in accordance with a practical standard of nomocratic right, that is—without preventing the legitimate self-fulfillment of anyone, is morally unassailable. By virtue of its collective effort in the creation of a culture, the whole of society is present in every individual creation, but the individual contributes his personal seal. Without it, society is deprived of its guides and leaders. Thus, the individual and the community keep a delicate balance: the negation of one prevents the full realization of the other by denying the sources of merit either to the genus or to the species. No society can achieve the common good except through the work of individuals. No common good can even be conceived of which does not return to each and every one of the doers of that good. And yet we tend to think of it as a separate category, unrelated to the bio-existentially necessary object of that good which is the individual.²

Egoism and altruism are specific attitudes which can serve as a basis for political thought, action, or affiliation. The egoism of capitalism is simply the legitimate expression of biopsychological individuality in the social realm: just as it refuses to give to the undeserving, it does not condone keeping what has not been earned. The altruism of socialism is a victimizing pseudo-humanitarianism based on envy or on a misinterpretation of the abovementioned expression. He who forgets the individual usually fails to distinguish between "this is mine"

as an expression of unwarranted selfishness and "this is mine" as an expression of legitimate pride. There is no altruism in thinking that individual rights must be arbitrarily subordinated to those of the group. He who so thinks usually seeks to take advantage, since he aims to fulfill himself as one with the group and not through his effort as an individual. Thus, he feels justified in benefiting from the labor of those who are better than him. Many who argue that equality is desirable do so only because they do not want to accept that others deserve more honors, respect, power, glory and wealth. They are hypocrites. The capitalist, on the other hand, is carrying out an act of humility in recognizing that others are better than him and therefore will achieve more in life. Individualism is contrary to tyrannical power by definition, since the tyrant takes over for himself sources of self-fulfillment which legitimately belong to others. The individualist sees the violation of the rights of even one man as an attack against the very foundation of the community. Unless it fulfills every one of the elements which enters in its formation, a system can not be free either of conflict or from contradiction. A capitalism for the few is synonymous with oligarchy.

Ayn Rand identifies two opposite attitudes toward life: the axis *reason-individualism-capitalism* on the one side versus the axis *mysticism-altruism-collectivism* on the other,³ a key concept which illuminates the historic conflict between two philosophies of life. But we shall soon see how these might be more accurately identified as *reason-individualism-mysticism-capitalism* on the one side versus *statism-aparticularization-usurpation* on the other. With reservations, we can say that one side abides by nomocratic precepts and the other deems the state the sole subject of right. Collectivism may often be considered as a tyrannical device within the latter, but sometimes it is an adaptive measure to the peremptory need of a group, or of certain cultural cosmovisions, which is kept as a practice by habit. As a philosophy of life unrelated to political action, collectivism might be the result of communal spirit, but its forceful imposition would be immoral. I have not included it among the second axis, however, because it is not a doctrinal requirement nor a constant feature of socialism.

The most important social advance of all time is the achievement of fullness for the individual in the social aspect, that is, as the object of inviolable right. We can hardly protect the interest of the community and achieve the common good if we harm everyone by transgressing their rights. Freedom, autonomy, fulfillment, and so many other concepts, acquire their true meaning only in relation to the individual. Man feels free only when his membership in the group does not prevent him from achieving the level of self-fulfillment to which he is legitimately entitled. When every individual is free, the freedom of the group is implied. Assigning common goals to men has paved the way for slavery throughout history. No one is responsible for us. Except during childhood, the principal responsibility falls upon ourselves. Individualist philosophy is not just one of rights. It is also one of obligations, and it demands from everyone to the best of his ability. Some would excuse the faults of individuals (or above all of certain classes) by attributing the problems to the system. But humanity has lived through the most degrading and iniquitous systems, and yet many individuals have given good account of themselves. History and religions so tell us. Thus, one thing is individualism as a doctrinal standpoint or as an existential truth, and another an individualist selfish stance.

The group has rights apart from those of individuals, even priority rights, which arise from the constitution of society. But the group as we see it here is not something outside or beyond but rather the *holistic integration* of its members, that is, each and every individual in all their structural and functional projection, projected back to them in correlative terms. In socialism, the group is considered—in the context of principles and goals—somehow separate from individuals, for which reason its fulfillment always works against someone. In liberal-mercantilistic capitalist systems, the group is a mere aggregate of individuals, whose goals are deemed dis-socialized, the notion of rights remaining at the level of its earliest abstractions. In nomocratic capitalist systems, the group is considered a self-substantive juridical entity by virtue of entailing a holistic integration, that is, a totality. This I term *organic* given its analogies with an actual organism, for example its teleological character (a drive toward ful-

filling states) rooted in a principle of its own, and its functional structuring. For their part, being that each one constitutes a social microcosm, individuals are the primary generators of such organicity. Thus understood, while individuals cannot be conceived as dis-socialized (in the rational-legal context), neither can legal particularization be denied to them since each one differs in his functional projection to the social whole. In its fulfilling praxes, society acts according to the nature of its totalizing principles, which projects integrally or in organic fashion to everyone of its parts. When the *totalizer* (*holistic integrator*) is a sub-emergent drive—such as the search for wellbeing and the need of survival—or a low-level principle—to wit a mathematical scale which only takes into account the greatest possible number of constitutive units fulfilled—the praxes of society reach a degree which is just above of those of a simple gathering. The full meaning of society takes place only when there is an integration of the group through ethical principles. As we shall see as our discussion advances, this entails a global, not an even concrete, fulfillment of the elements of society. Let us keep in mind for now that in a nomocratic system, the right of the group is merely an affirmative pole of a social dialectical moment. It can therefore only transcend individual demands as long as it does not deny individual rights to justice. When the interest of the group must be given priority in a moral society, personal interests thus deferred find compensation in a wide array of social situations, resulting in the end not in the diminishment of individual fulfillment but in its advancement.⁴ In a moral society, the interests of one of the parts can never be satisfied at the expense of the rights of another. It may occur that both parts nourish rational interests which cannot be simultaneously satisfied, in which case subordination of individual interests does not necessarily imply transgression of individual rights: such rights simply find alternative expression—that is, they are focused on a different object, which serves as compensation. Not even the whole of society may impose an arbitrary decision upon a single individual. The whole (society) is ontologically superior to the parts (the individuals), only in the spheres whose intelligibility depends on the assemblage, not in those such as human dignity, which

belong to the parts by their own right. The crux of the matter is in knowing how to determine where the sphere of each begins and ends, a difficult dilemma in the matter at hand, since here the state serves both as judge and interested party. Our sense of justice, and our understanding of culture and natural law, must guide us to choose what is right.

Working capitalism must bring the end of discrimination, a legal equality (which takes minorities, majorities, etc., outside of the context of class' rights) and an appreciation of the individual as the supreme organic goal of the community. It does not suppress differences of achievement, status or hierarchy—because this violates the second principle of nomocratic right—and it does not impede the formation of groups by individuals in pursuit of common benefits. But on the day that men are imbued with enlightened individualism, racist and nationalistic wars will be a thing of the past. To speak of the rights of the masses is to forget that they are made up of individuals. This is offensive to the dignity of the former because it will never allow their true and complete realization as the latter. In Communism more than in other tyrannies, the leading class sees the individual in his fullness (the *fuori serie*) as an obstacle. That is why it attempts to create an alienated individual, one who is incapable of questioning the official doctrine. That is the *right* they offer the masses.

Capitalism favors the attainment of full social organic individuality, but in practice can only offer man the legal framework. The attainment of psychological and spiritual independence and enlightenment is up to the individual and the family. In the strict and highest sense, the individual achieves his fullness only when he is self-directed, free of (and beyond) prejudice. It is clear, thus, that this achievement will at least for a long time be reserved for a few. The rest although they may attain success in an educational, economic or professional sense, will still remain the masses. This cannot be changed: only the great leader or achiever, the highly creative, the genuine artist, the saint, the genius, and the real wizard transcend the masses. *Quod natura non dat, Salmantica non prestat.*

It is worth stressing at this point that, although from a rational-existential standpoint those entities generating social dialectics of right (the individual and the community, or two different social sectors) are affirmed towards a synthesis, the unfettered expression of their relevant contents—distributive relationships, for instance, and other moral phenomena lower in hierarchy, such as the interests of the group and of individuals, which are grouped in the sphere of right rather loosely as a matter of fact given that only those interests which are rational acquire the category of rights—is not always univocal because most men tend spontaneously to self-preference and to consider their entitlements on a higher plane than their duties. Men's frequent inability to overcome personally this intrinsic state of opposition—which extrapolated to the dynamics of the group manifests concretely as social dialectics of right—points out the need for an external agent of synthesis (the state). It is this situation which most concerns us, because only through it we can fully grasp the ideological picture and its praxical solutions. It seems in order to start by the conflicts which arise between individuals or juridical entities. These are customarily dealt with by procedural justice, but only when they represent great antagonisms of emergent-level contents within society, we can say we are witnessing a dialectical social conflict. Social dialectics of right is characterized essentially by the existence of an organic state of polar will or *pull* with respect to the objects of right—material or economic goods, shares and assets in our case—which does not imply a logico-existential impossibility of either or both dialectical poles separately considered, even though a rational invalidation of the specific claims of either pole may occur. As we mentioned, the rejected notes are a necessary element for the intelligibility of the truth of the dialectical totality, even though in practice we actually know such truth in advance through past experiences. Now then, invalidation may occur in one of two ways: in compatibility—when both wills are rational in quality (claims on a product at the macro-economic level, for example, by the labor force and by capital) but at least one is not rational in quantity (such as when workers demand improper salaries or when management propose inadequate wages)—or by incompatibility—when at least one of the wills is irrational

in quality (a claim based exclusively on need, coercive contracts, arbitrary regulation or undue privilege, for instance). The solution of these situations requires the concert of the second principle of nomocratic right, and in the first case it is likely to be worked by voluntary agreement between the parties involved. As such principle is evaluated at each of the poles in conflict, the opposing interests and wills are brought to a univocal resultant based on justice, which projects to the common good. Thus is synthesis achieved, by realizing in the praxis the absolute idea of right. All of that constitutes a social dialectical moment, wherein affirmation of both poles—affirmation of their legitimate jurisdiction, which automatically circumscribes an exclusionary sphere—constitutes an indispensable prerequisite for a solution (since the remaining principles of nomocratic right are thus fulfilled) and for distinguishing between a moral and an immoral ideology.

Now is a good time to tie loose ends on the important doctrinal point of the social dialectical pole, and by extension the concepts of the public res and the common good. It must be clear, on the one hand, that such pole must integrally contain everything that we term society, and on the other, that it is distinguishable from each of its elements. It is precisely this difficulty which sets the stage for some, Ayn Rand and von Mises among them, to object the very concept of a social dialectics, arguing that any reference to the public merely represents a segment of the social whole, no matter how large a segment, certainly a valid objection to the democratic concept of the public.

It follows, then, that at a first logical moment, the social dialectical pole must be conceived as an entity representative of each and every social element. Institutions like the state fit that requirement since they are structures able to realize in practice the principles, precepts and values of civil society or of the culture, which become universally valid and normative precisely through institutionalization. Thus, while the principle of synthesis—in essence, justice—is universally fulfilled, the particular wills over things—in essence, material goods—are faced with and redressed univocally to a general will over them. In due time, we will contrast thoroughly this outlook with the Marxist one. But here I would like to advice the read-

er to consult the sections corresponding to the index headings "Reuten, G., and Williams, M.," dealing with the value form of the economy. This will provide an enhanced insight of capitalist tenets right from this point.⁵ Now then, social dialectics is not exhausted in the clash of the different particular wills with one another, where the state only confronts the units involved as a rational counterpart. For serving justice itself, and not its own interests, here the state is best considered as a mere agent of legal synthesis of the dialectic situation taking place among those units. This originates a first juridico-economic mode of civil society (*private law*) which corresponds to contracts between individuals and their litigation. The second juridico-economic mode of civil society (*public law*), requires an internal act of synthesis, as it occurs between the individuals and the state or between the interests and goals of the state itself. This poses the following problem: since the state as such, abstract entity that is, cannot be the recipient of any good, it must have a juridical referent in a concrete social element, which seems to take us back to square one. However, such a referent is identified with the organic priorities of the social body—which derive from the universal contents of the latter and project to the common good. This determines diverse praxes, for example taxation and the specific subsidizing functions of the state. The case is similar to that of a living organism—a limited analogy to be sure, for the parts of a living organism are not subjects of right—placing its resources in specific body areas for the overall benefit of the entire organism. At a second logical moment, then, the social organic priority points out the concrete location of the social dialectic polar pull.

Having arrived at this point, it is worth making an additional effort to shed light on the matter of social priority, often so ill understood since hierarchies are usually established almost on the basis of biological parameters of judgment of what is most and least valuable. The most important rule of priority may be identified with the second and third principles of practical reasonableness of Finnis, and with the fifth mode of responsibility of Grisez, and in essence states that the intelligibility of goods is the measure of priority, and that people can only be that measure through the above intelli-

bility. This prevents arbitrary discrimination among persons, and may, from this viewpoint, be deemed as another principle of nomocratic right. Considering first the two great social dialectical poles in relation to the same value, priority may be claimed for the group over the individual in order to achieve a constitutive goal of the former. But since that has to follow the provisions derived from the principles of practical reason, the survival of the group, for example, cannot be based on the express and direct sacrifice of the good (here the life) of any of its members. When different values or rights come into play, the situation lends itself to greater confusion, as can be seen in the common assertion that (individual) property must be sacrificed when (group) survival is on the balance. When we make unwarranted generalizations on the pre-moral stage of these values, we end up assuming a train of reasoning contradictory to the third principle of nomocratic right, and logically faulty in that from one proposition without a specific subject of right—life has priority over property—is derived another—the group has priority over the individual—which is based precisely on the comparative merits of the subjects of right. Just turn things around: imagine an unrealistic but illustrative scenario where the survival of one individual demands the takeover of the property of the group, and we will discover the aporia of the concept. Actually, life takes precedence over property in the former circumstance, but such a situation—and so it must be understood throughout this work—illustrates a functional and ordination priority based on right, not a juridical one establishing a fixed hierarchical order of rights. By functional and ordination priority I mean every good which constitutes a requirement in the absence of which other goods cannot be attained or enjoyed, at least not in an organically beneficial manner, for which reason it must be given precedence. Let us note that while a juridical priority is implied here, this works through intelligible values, and that there is no pre-established hierarchy for the goods in question outside a context of right, which justify their categorization as functional. This is rather the kind of priority that society has over the individual. In truth, more than a priority between social units, there is one between competing sources of right.

Justice is the only absolute priority. It is precisely for that reason that the precedence of life over property (or freedom) may be turned around in cases where there is a serious disqualification of a subject of right, such as when the patrimony (or freedom) is gravely threatened. Sacrificing (not merely non-satisfying but usurping) one human fulfillment for the sake of another—irrespective of the hierarchy of the fulfillment involved—is immoral, because each is supported by a source of right. This holds even where there is no right involved, although here lack of fulfillment is most often a natural calamity morally unrelated to anyone's dispositions, pursuits or achievements.

The other situation worth expanding on is that of the institutional assignation of resources, where priority is determined by the organic functional needs of the social body. As long as the resources used to satisfy them are legitimate, we can deem the nomocratic dialectic of society fulfilled. As we have said, what is to be fulfilled are needs of real people, whose merits will not be weighed by themselves but from the standpoint of the whole. Thus, it is possible to argue that even when taking into account the principle of functional priority and others above discussed, it will always—other than in obvious cases—be necessary to resort to intuition whenever in one way or another priority has to be determined within the social dialectical pole. That might be true to some extent, for instance in hiring institutional employees, where several usable resources compete with one another—needed preparation and training, degree of fulfillment of the applicants, responsibility, and willingness necessary to perform the task, among them—without the evaluation of the market. In this instance, priority could be equated to assigning subsidies for a particular sector of the population. No arbitrariness is necessarily implied in this, however, given that we are not without means either for assessing the merit of the abovementioned factors, since there are also socio-historical precedents to guide us in the way the market and the innate sense of justice have allocated resources and determined priorities in previous comparable situations. In other words, no priority can be morally valid that does not have a minimum content of right. In fact, society has no more compelling organic need and priority than to

preserve the state of right. There is even less of a need to resort to intuition in cases pitting merit and need against each other, since there is already a basis for a praxical quantification in the second principle of nomocratic right. What is more, placing merit and need on a level is wrong from its premise, since need is not in itself a principle of justice. Thus, intuition is useful only in assessing the merits of certain units of right; we shall have further to say on this matter later on. Worse is the case of the well-known formulation pitting equality against total social welfare, where neither qualifies as a principle of justice and only the second as a principle of utility and as a practical social goal.

Finally, when it comes to conflicts of interest between individuals or between minor organisms of society, the only priority—if we can call it that for the sake of illustration—is determined by the sources of right of each claiming party. While this may lead to determining a claim null and void, it establishes no definite hierarchy of the sources of right. If for instance a management view is rejected as unfair, and the labor view accepted in its place, that does not mean that the same priority will hold on every subsequent occasion, except in terms of its intelligibility. In addition to the above, three more rules can be inferred from the principles of right we have discussed (as well as from the very nature of right). These rules facilitate the determination of which priority is praxical to the socio-legal moment, and they are:

- 1) Extralegal moral principles cannot determine juridical priorities. That is, competing legal claims cannot be settled on the basis of humanistic or theological virtues having little or nothing to do with right. The opposite does not provide an objective basis for justifying allotments, only a general one of moral judgment, and it implies extending the sphere of right beyond its proper range, encompassing even the personal and the intimate, at the risk of deteriorating into the worst of totalitarianisms.

- 2) All functional legal priority must be limited and temporary. Even though priorities are justified on the basis of the functional needs of a group, and the benefits thus attained accrue to the common good, the advantage obtained by the beneficiaries of such priorities must be minimized given that

it is not based on their particular sources of right. Assistance for the producers of basic grains, for example, provides them with opportunities other producers will not get, earned through an accident instead of through their own merits.

And 3)Proportionalism can be used as a measure of priority within the socio-organic context, but only for practically qualified social patrimony.

Capitalism, democracy and freedom

The spirit which animates every legitimate system of life may be implemented hierarchically or through the vote, but always within a contractual framework. It is an illusion to think that for the benefit of the majority we can violate the rights of a few without undermining the social order. *The group* which violates the rights of a few today will violate the rights of a few more tomorrow, and in time everyone will be vulnerable. It is not the will of the majorities but the ideal will of the group (in its fundamentals, that of all human groups) which rules moral societies. This is expressly opposed to every government or arbitrary rule of the many over the few. Otherwise, the will of the majorities is no longer valid, and the minorities have every right to ignore or impugn it. The majorities must understand that they are not the absolute rulers of the destinies of nations or groups.

The dialectic opposition between different social groups had spontaneously found its synthesis in the earliest societies because their governments were natural aristocracies which represented everyone, and everyone—at an institutional and truly representative level—accepted their judgments as wise. This is the ideal model which must serve as a basis for every subsequent society, as it did for emerging democracies two centuries ago. The spirit of the law in democracy protects minorities by guaranteeing individual rights before the state. He who denies that the majorities are capable of tyranny has no knowledge of history, social science and human nature. We can trust the majorities to have a natural respect for the rights of the minorities in times of peace and abundance, but history clearly shows us that, when conditions are different, minority groups often become the objects of hate or aggression, fre-

quently more by the bulk of the population than by governments. Almost invariably, in judging democratic governments, we ascribe arbitrariness to a ruler, hardly ever to the majority that carried him to power.

Rousseau believes that the people can at any time change bad laws for good if they so wish,⁶ a concept which dismisses any previous political constitution which is a reflection of the social contract he himself accepts as primordial to all orderly life in society. His general will becomes simply the will of the majority. Rousseau poses the question, what gives one hundred the right to decide for ten over something that they want and the ten do not?⁷ And he asserts that only the existence of a previous social contract could force minorities to accept the will of the majorities. That is so when the contract has been agreed to without pressure of any kind, but it is unacceptable that in such a contract the minorities agree to accept any majority decision no matter how arbitrary. Minorities may disagree and yet accept majority choices of governments on the basis of previous accords, but they are not committed to obey them when there is infringement of their rights. Democracy is said to guarantee representation, political space and participation for minorities, but this is only achieved if the majorities do not arbitrarily assume the political representation of the social whole. Otherwise, as it has been the case for a long time for racial minorities in Western countries, all that is guaranteed is the right to be defeated in elections.

Even supporters of constitutional democracies usually contradict themselves. On the one hand, they accept the need for common principles no one must be allowed to violate. On the other, when they perceive the need for change, they give the majority the power and discretion to establish such a change. The truth is that any significant modification to a social pact should require unanimous approval on the part of all the representative sectors of society, except when irrationality is patently at play, or when such pact is crudely vitiated or has been imposed. Who, then, can be depended upon to make the right choice? Everyone in general and no one in particular, since all normal men have a certain knowledge and respect for the fundamental principles of natural law manifested in the contracts which permit an orderly, peaceful and legitimate life

in society. Everyone, therefore, must obey them, from the sovereign or elected ruler to the last member of society, and they cannot be subject to utilitarian majority wills no matter what the times or the circumstances. Just like being in the majority does not justify violating a commercial or labor agreement, even less does it justify violating a social pact. The obstinate democrat says that he does not accept absolute truths, yet assigns unlimited hierarchical validity to the criterion of the majority, which thus becomes absolute even though it may vary in its content.

The majority, thus, can only determine policies or qualify the exercise of rights through secondary legislation within a previously determined framework of justice. Would a supporter of democracy accept a majority decision in favor of abolishing private property, or of legalizing dispossession by paying for expropriated property with worthless bonds or devaluated currency, clearly a theft in the guise of legality? The right to property may not be violated, much less abolished. That is not subject to debate. Justice is with the just, not with the greater number. Otherwise, we must as well aver that black Americans had to abide by any *popular* decision sending them back to Africa. Man could never have developed a moral society without the mediation of a universal commitment defining and limiting legitimate spheres of action for everyone. We must therefore oppose the democratic prejudice which mistakes the will of the majority for the will of the people, and excludes the minorities from the decision-making process. That leads to tyranny, which once established is no less tyranny because power changes hands from time to time and one tyrant takes the place of another. Nobody denies that a government which is backed only by its closest adherents is most probably corrupt. But what proportion indicates loss of favor or of popular backing, in the ideological sense of the word, or of the consent of the governed in a given regime? It seems evident that a clear definition of what constitutes the people will escape us as long as arithmetic or demagogic parlance is the paramount criterion. If we define the popular by the simple momentary prevailing preference, the term is severed from any intrinsic ethico-rational quality as to demand compliance by itself. Ideologically, the concepts "popular" and "people" best

find their meaning in terms of the trans-historical values praxical to each culture.

Those who see democracy as the ideal system of government usually celebrate its penchant for peaceful change, a rather debatable assumption as we have seen. And when the differences are crucial, the vote is almost the worst way of resolving them because it presupposes that reason is on the side of the greater number of adherents. Voting might seem better than fighting. But when it comes to that, casting lots might be even better. The criterion of the majority is appropriate for evaluating the mathematical aspect of value judgments within a group, never their rational aspect. Perhaps the worst problem of democracy consists in that it makes it easy to institutionalize as rights unjust and anti-natural practices and measures. It is offensive to ask, and dictatorial to force, a single individual to accept an arbitrary decision because he is at a numerical disadvantage. The optimal ways of resolving the most crucial differences which separate man are: arriving at a clear judgment that allows for mutual understanding, a dialogue of equals, and a hierarchical determination by a trustworthy person. War is usually the outcome when all this fails, since bloodless secessions are very difficult to arrive at.

It is said in favor of democracy that everyone must have an equal right to create laws if the law is to be the same for everyone. What is omitted is that equality before the law is a matter of both the spirit and the practice of a principle, no matter who makes the laws. Juridical equality is ensured not by giving everyone the right to vote, but by standardizing the entire framework of right, although even the latter is not enough to ensure justice. Anyone who takes it upon himself to make the law will end up placing himself above it: laws are never made (in the sense of creating the principles on which they are based), they are written down (in the sense of institutionalizing their doctrinal moment). An equality (to elect rulers or to legislate) that depends on the counting of noses might just as well count wealth, strength, or professional titles. When the consent of the minorities is disregarded, the democratic method of decision-making turns out to be as arbitrary as any of the above. What is the right of the minorities to make laws

in such a case? In order to further their political freedom, the minorities should at least have a right to veto.

F. A. Hayek considers democracy as probably the best system of government. He shares in good measure the concerns I have been discussing, however, and that prevents him from making the mistakes of those he calls dogmatic democrats, as is clear in his magnificent book on the constitution of liberty.⁸ Hayek is opposed to the thought of the abovementioned, for whom the will of the majority is the only acceptable limitation to governmental power and the only one capable of determining what the law should be and what should be a good law. This is in contrast to the tenets of traditional liberals, democratically inclined when it comes to the formation of governments but committed to limiting the coercive power of every type of rule. Hayek favors the latter because obviously the end, achieving the social realization of the individual, must not be confused with the means. Hayek favors the democratic method, but affirms the existence of a common principle which must be obeyed by the majorities, which the minorities also accept, and beyond which there can be no legitimate form of government.⁹

In the West, says Hayek, more than democracy itself and as a rein to its unlimited conception, law is the ultimate basis for decisions and the norm for all actions. This concept of the rule of law, previously idealized by Aristotle, is manifested in the US by constitutionalism, that is, the establishment of a constitutional democracy which prevents any person or group from imposing laws at whim. A Bill of Rights which guarantees people their inalienable rights was also formulated. In essence, Hayek considers the rule of law to be above constitutionality even, because the first limits any legislation.¹⁰ Among other aspects to be considered in the matter, he cites the concern which temporary majorities must have over enacting any laws which they would not accept should they become minorities in the future. But many can be willing to endure any want as long as their ideological tenets or their desire to drag along others with them are met. He also warns that not every extension of democracy is a good thing. Modern states, for example, remain far from constituting homogeneous communities intent on the same laws. To Hayek, their problems may be

obviated to a great extent through federalism, heeding Lord Acton, but as I see it, the internal problem of each federal state remains unresolved.

All these principles are enlightening. My polemic is mostly against the dogmatic democrats, who place elections before reason and justice, an expected corollary of the pragmatic-utilitarian concept of values. I do, however, have points of conflict with some of the ideas of Hayek and his followers. He believes, for example, that it is possible on almost every occasion to extend democracy by expanding the electoral body. In practice, however, even what is considered inalienable in a political constitution may come to be disrespected in the name of democracy. That has been the case with the imposition of confiscatory reforms under Duarte's administration in El Salvador. The problem is made much worse by the ever more frequent appearance of anti-concepts of right, which leads to re-interpretations far from the natural ones. Thus, we may easily re-interpret everything, violate the basic rights, and yet maintain that we are upholding them because the majority support such reinterpretations. And only as long as it is not cast out by the vote of the majority will a conscientious judiciary be able to bar any law which constitutes an attempt against right. In such cases, if nothing else, restricting the size of the electoral body may help.

The key is in the concepts. Ayn Rand is magnificent on this. What does the right to the pursuit of happiness mean, for example? Or, what are the limits of the right to property? We cannot expect everyone to agree. To Hayek, the answer lies in the rule of law, because it transcends every law (in the legislative sense) and because it refers to a meta-legal doctrine or to a political ideal. But in a democracy, as he says, such rule must unquestionably be shared and accepted by the majority.¹¹

Here it is advisable to remember that such an ideal is a philosophical matter, a principle whose validity depends not on how many people advocate it but on its content. The problems do not usually arise at the time free states are born because everything is usually enthusiasm and cooperation then. They arise during the difficult times when a majority can deny or distort the ideal. That is the key concept, which tends to be forgotten because of its high level of abstraction.

The rule of law, and any law passed according to the will of the majority, has to be based on natural law. We tend to speak of rules and laws accepted by men rather than of rules and laws born out of the moral nature of man. The latter, to me, is genuine humanism.

In the vast majority of free societies and throughout time, because of the respect for fundamentalist customs, general consultation mechanisms (such as referendums, general assemblies, representative councils, etc.) have rather been utilized either as auxiliary means to guide the chiefs on important decisions or for the purpose of dealing efficiently with day-to-day problems, never under the pretension that the choice of the majority bears the stamp of absolute truth or must necessarily be given priority. The anti-concept over the word "people" is to blame for the whole situation. Even when democrats who are not inflexible or blinded by their own doctrine wish to protect minorities from abuse, they assert that their rights must be respected by *the people*, thus excluding the former (and individuals) from the latter. And this anti-concept leads to an entire system of anti-concepts which distort the whole democratic ideology. In sum, the majority does not by itself represent the social dialectic pole.

Because the above is neglected, consensus today refers exclusively to the majority, not taking into account the disagreement of other social sectors. Consensus has always been a mechanism, not the essence, but it can acquire a quasi absolute status when represents unanimous agreement. The ideas of Hayek are partly along these lines, but I deem it useful to give them a more fundamental and radical sense. In so doing, we gain a more transcendental appreciation of the principle, caring less for the type of government—which is no more than praxical mechanism—that guarantees it. No particular form of government is to be taken as a principle or as a goal in itself because that would place it above the maxims of morality and right. The civic value par excellence is not democracy or the vote, but a natural rule of law.

Perhaps the most deplorable tendency of contemporary sociology is that of granting legitimacy to institutional decisions only because they have the support of the majority, regardless of their moral value. Thus, legitimacy is no longer

defined from objective parameters, the nature of the decision itself, but from the source which gives rise to the decision. That is, the same action taken with respect to a social matter is deemed legitimate if it has the approval of the majority, or illegitimate if it does not. And this, presented to us as the only civilized way of decision-making, easily degenerates into a return to the law of the jungle, barely disguised by the addition of some formal, intermediate steps represented in the procedural methods of the democratic system.

He who favors aristocratic or monarchic governments tends to seek the ideal will, which has been actualized by capitalism though the promotion of inalienable rights for the individual. By contrast, the thought of the dogmatic democrat has become the pseudo-objectivism par excellence of the political sciences. Not only democracy but every legitimate system of government guarantees freedom and creates institutions which seek the common good. And in order to defend freedom, we must put a limit to coercive behavior which may result from human fickleness, and which may attempt to change values radically as a simple matter of convenience or whim. Freedom—that is, political freedom—is best conceived of as the ability to exercise fully and without impediment our natural rights. Or, as Lord Acton puts it, in a beautiful synthesis of duty and the will, liberty is the ability to do what we ought. In a strict sense, enjoying freedom means not being in jail, because it is true that prison deprives us of the most important freedom of all. But since there are many distinct restrictions, some prefer to speak of freedoms, which have been lumped into a joint definition: the right to do whatever one wants to do as long as it does not transgress the rights of others. Only the nomocratic axis respects them all: the right to free association, the right to unimpeded passage, the right of opinion, the right of opposition, the right to property (conceived of as the freedom to own what one has legitimately acquired). As is the case with property, however, some freedoms may be restricted as an adaptive measure in case of need. But when the need no longer exists, every ethical system restores them. An illustration of the temporary suppression of a freedom is the restriction of the right to free association during political crises, the so-called state of siege.

If there is to be freedom, it is mandatory to prevent coercion, which, following Hayek in *The Constitution of Liberty*, leads to the choice of a practically forced behavior. He adds that men can only be forced to obey rules which are common to all. Remembering what was said earlier, we must note here that rules which apply to everyone are much easier to find than rules which are accepted by everyone. Thus, the application of rules which are common to all does not preclude the practice of coercion, socialist laws to wit. The only rules which do not require anti-libertarian enforcement are the nomocratic ones. Man must be able to have alternatives in order to be free, and he must not be subject to the arbitrariness of a person, group or government—or to structurally deficient systems—which prevent him from achieving any legitimate form of self-fulfillment. Now then, since individuals can also subject other individuals to anti-libertarian dependence, free will and right to freedom cannot by synonymous. Thus, limiting our range of options as a rational need of the social order, or because of our own insufficiencies (in another context), cannot be deemed anti-libertarian. Since relativists maintain that truth is a matter of opinion or of personal feelings, orthopraxis—truth certainly is a determinant for action—would lead them to common anarchy. Their theorists must then seek a normative criterion to get them out of this difficulty. But since they do not accept universal principles of reason, they must—in the necessary presence of disagreement—give priority to one part over the whole, attempting to make that part as large as possible. Tyranny of the masses is the predictable result, thus showing relativist thought as no more than pseudo-libertarian.

A state has become an agent of coercion when it influences the daily lives of people, their private financial affairs, for example, limiting choices and spheres of action leading to individual self-fulfillment, while expanding its own beyond what is necessary to secure the common good to those activities which individuals are capable and willing to carry out. For instance, leaving the amendment of certain social imbalances (such as ethnic differences in employment rates) to other institutions is more libertarian, and prevents the rise of privileged groups through state interference. There are subsidizing ways

that can be used when they constitute a legitimate priority to sustain the general welfare, without contradicting the right to free association. In socialist and certain other systems, legitimate freedoms are needlessly restricted, and communism even rejects dissent. Of course, I am referring to the critical analysis necessary to overcome deficiencies, and not to ill-intentioned faultfinding which may even come to constitute a social danger. Only in the capitalist system are transactions between individuals voluntary and cooperation achieved without coercion. Freedom can be formally universalized through the unobstructed expression of all the individual and collective spheres of the will. But since that leaves freedom at a sub-emergent level and as a structural source of unfulfillments, it is necessary to establish rational limits for each sphere, for which man has the guides of parameters of moral content; such as the principles of practical reason. Despite the mentioned iusnaturalist-bound definition by Lord Acton, I would say that not liberty but justice is the highest political end.

Some sociological aspects of capitalism

Capitalism does not begin with the division of labor because the latter is a natural phenomenon, but it did facilitate the expression of the former. There is no such thing as indistinct labor, and never has been; labor always tends to match aptitude, although in a rudimentary form initially. We cannot discern any basis to consider the division of labor as a tool to achieve the domination of certain classes, and we cannot do without it even under a communist system.¹² It is said that the first great division of labor was between shepherds and farmers or hunters or between town and country, but the fundamental one that brought about decisive change was that which took place around the conformation of lineages of political power and social prestige, including the leaders of important emerging institutions (religious, military, etc.). Two highly important social phenomena occurring spontaneously within the natural axis of life were the appearance of classes and the appearance of the social individual, both facilitated by the division of labor. Unfortunately, although the social individual has begun to achieve his fullness, juridically his numbers are

limited by the abuse of power and other sociological phenomena. The existence of social classes cannot break the social unity, as Marxists assert, since their differentiation is transcended by an organic totalization. Nor their intelligibility can be found in the negation of others or, as we said in note five, in any negative determination imposed by scarcity—this Sartrean tenet will be discussed later in another context. The postulate that the social ensembles conform a negative unit, reveals a pseudo-intelligibility of social dynamics. The negation of any social class always leads to a social stratification based on alienation or imposition. Any natural and genuinely socio-organic class division arises from positive determinations, fundamentally related to merit, which are factually and intelligibly prior to such a division. That is why scarcity, even if it were true that produced the negation of a number of men upon its interiorisation, could only give rise to de-classed or dis-organic social groupings. All rational concepts of class imply an assessment—however indirect and limited to the economic sphere—of a contribution to the common good.

There are two types of social classes in human societies: vertical, which imply a difference in social status—which is not to be extended to the humanistic realm—and horizontal, which basically originate in the specialization and diversification of productive labor. From the fundamental division of labor, the first classes arise around the power aspect. A vertical upper class is created, that of the first gerontocracies. We mean by horizontal classes those which in themselves do not determine status distinctions or notable hierarchical differences. This is not absolute: since not all labors are equally appreciated, some degree of verticality is intrinsic. Horizontal classes, thus, are based on the type of industry which characterizes a human group. Vertical classes, on the other hand, are more determined by success, resulting in differences of economic achievement, power, and social prestige. The lower classes group is constituted by those who perform routine tasks and the undistinguished, in general. Some are born with limited abilities, in a certain sense, and they earn their living by performing services, which is crucial to support all the social edifice. They may even project themselves socially more successfully than others in some areas. What is important is

that they be afforded real opportunities for social mobility.

Wealth itself is a means to power, but usually one circumscribed to the economic and contractual spheres of its possessor. When the wealthy have no political power, they are often the object of abuse by the mighty—the infamous proscriptions in the days of Sulla, and the well-known kidnappings of moneyed citizens committed by powerful military in El Salvador, to cite only two examples. The mighty used to be the first to attain great wealth, and they held that monopoly for a long time. This phenomenon was notorious in the so-called Oriental despotism. It was not, however, the standard of justice among the Jewish people. The democratic revolution represents the definitive break of the link between power and wealth, and the right to the latter becomes universal. In capitalist democracies and in every legitimate system of government, as opposed to what happens in the systems belonging in the statist axis, every horizontal class and every individual represents a basic sharing of power. Obviously, theirs is a more orthopraxical design than that of the anarchists.

A genuine classless society would lead to chaos because it entails the destruction of all hierarchical order. That is why social stratification has been present even in the most primitive societies, as we shall see later and as Lowie will instruct us. The crucial aspect of hierarchy is the existence of chiefs and subordinates, which expresses in civil life in several ways such as the master-servant relationship, according to the needs of the times. Although their confrontation can only take place in joint praxis, the basic failure of their bad relationship is spiritual, not social. And I reserve the right to wonder who came first, the bad master or the bad servant. It may be true that bosses and chiefs are to blame for most abuses as a result of their greater power, but we must not attempt to abolish a natural relationship. We must simply make it work. The upper classes had special rights in many ancient societies, notably in India and in some aristocratic societies which should rather be called oligarchic. Except in a way for rulers, it is inadmissible to conceive of privileges exclusive to a specific class, which is precisely what all socialist systems propose or do. On the contrary, under capitalism, recognition for the social classes is no more than recognition for the aggre-

gate, or better said organic, merit of the individuals. In this sense, capitalist societies are the truly classless societies. Entry may be restricted in some circles, but this is derived from the right to free association for peaceful ends, which is fundamental to freedom.

In every society, the members of horizontal classes tend to join into common activities or enterprises. It is what I call the *club phenomenon*, which tend to form spontaneously, under no particular initiative, but rather as a simple gathering of like-minded people—contrary, for example, to pre-capitalist guild societies—and save the politicians, for no particular political ends. Now, in contrast with the horizontal class clubs conformed within the lower vertical classes, those which take place within the upper ones, include a kind of club determination of vertical class. This is because in order to enter in the upper classes as such, it is not enough to excel in any particular field. This, however, does not mean a defense of class interests, simply a sort of class acceptance. The club phenomenon seems similar to the Sartrean concept of classes as *series*. However, social classes do not entail their inertial determination or a closed sphere of sociality, nor any *serial impotence* restrict their behavior. We shall say more of this in time, but let us keep in mind that the individual is fuller than any sphere of his sociality. Thus considered, the vertical classes are determined by the nature of their members, not by their membership. Patently, we can say that since the immediate result of the dialectical economic praxes is a division of social advantages and status, the conformation of social classes could be seen as a by-product of such praxes. However, in themselves, social classes do not yield *a priori* to dialectical intelligibility. Neither there is ground for attributing worked matter the capacity to condition human relationships, and thus the conformation of social classes. Worked matter is only an object of such relationships, a referential point for moral action, and a field (just as the rest of the world is) where dialectical events take place. Factories, for instance, create their own capitalists and their own laborers only in a functional sense, not as class determinant praxis. Factories are the making of man, and it is through man qua man that economic factors can determine social classes.

In an ethical system and under conditions of social peace, the defense of class interests is a function of the type of industry. That is, unlike Marx theorized, it depends on horizontality and not on verticality. The vertical classes may, however, confront one another for various reasons, especially when an upper class is formed illegitimately. By the same token, the upper classes may become the targets of indiscriminate hostility. Their defense may then take on the characteristics of a defense of the whole vertical class. The struggle in El Salvador provides an interesting example of such a solidarity, which had never been manifested in that form before. Class struggle was absent in Cuba and in Nicaragua until, after the fall of the old tyrannies, the new regimes tried to provoke it. But even though the communists handled things skillfully in El Salvador and—through underhanded maneuvers and taking advantage of many factors—they provoked a confrontation between the upper and lower classes. This was only partial and short-lived, for most people sensed its anti-praxis, as I related in *El Salvador: Who Speaks for the People?*

When the aggregation of individual notes is legitimate, the different social classes coexist in harmony, in mutual respect, and in peace. The existence of a class struggle may reveal irrationality, at least on the part of one of the sectors. When someone holds to the concept that this confrontation is inevitable, however, irrationality may be safely assumed.¹³

Notes

¹Mill, J. S. *On Liberty*. W. W. Norton and Company, Inc., New York 1975. Mill sees individuality precisely as an element of well-being, and says that sometimes self-expression can even be subject to punishment. That occurs when the words incite people to act in a way that is harmful to others (Ch.III, p.53), as with those who agitate the masses. Mill condemns all anti-social passions, and even selfish abstinence and the meager use of advantages over others (Ch.IV, p.73). My reference to a possible socialist tendency in Mill relates to some consequences of the utilitarian motto of achieving the greater good for the greater number of people.

²It is equally inappropriate to separate social from individual work the way Marx did. He agreed with the German Labor Party that "labor only becomes the source of wealth and culture as social labor or what is the same thing in and through society."^{*} And yet the wealth is created by concrete

^{*}Marx, K. *Critique of the Gotha Programme*, p.5. International Publishers, New York 1973.

and non-idealized individuals, as Marx himself emphasized in *The German Ideology*. The confusion has arisen from the unwarranted assumptions that individual interests are unlimited and unrelated to social interests, and that social interests are unrelated to people. The opposite concept permits the abstraction to universality where, as various philosophers have expressed, the key objective of civil society—the fulfillment of ideal will—is realized. The separation of individual from communal interests may originate in the observation of instances of conflict, which reveals a poor level of abstraction. At other times, the cause may be a forced analogy, as in note five of chapter three, where it is clear that the properties of the totality “house” are very different from those of its components because the element of human design has been added. By contrast, the nature of the social whole is not basically different from that of its constituent elements. The absence of real contradiction between individuals and the group has led to the impossibility of formulating an adequate synthesis. This in turn has led to a distorted dialectic which is forced to propose the pursuit of the common good by systematically opposing individual right, based on a presumed ontological superiority of the group. Reason alone is ontologically superior, and all the parts must be bound by it.

³Rand, A. *Capitalism: The Unknown Ideal*, 15, p. 151. A Signet Book, New American Library, New York 1967.

⁴For example, if someone is forced to acquiesce to the communal use of water emanating from a spring in his property, he obviously stands to lose the economic benefit he might derive from selling that water. But we must consider that he also stands to benefit from the free use of a road or some other facility derived from some asset belonging to another, or from his contribution to the public treasury, and so on ad infinitum in the social meshwork, achieving a net benefit for the whole and all of its parts. Contrast this with what happens under socialism, not in economic but in ideological terms. We are not dealing here with a simple relocation of resources, where today we grant to others something which they later return to us. Instead, the aim is to take these resources to where they are most needed for the optimal functioning of the social whole. Otherwise, the result is excessive growth for some, with a net loss of overall wealth, and the possible stagnation of general progress.

⁵All neo-Marxist theses, such as those of Sartre in his *Critique of Dialectical Reason*, are but integrations of spurious characters. Negation qualifies as a dialectical category only when it means emergent-level rejection (of a premise or praxis), and insofar as the totalization conformed with its disjunctive counterpart involve a value judgment and demand a solution. Neither need, nor scarcity, nor work, nor the ensembles or the objects they generate, pose a question about what ought and what ought not to be. Material determinations, such as scarcity, may lead to antagonisms, and then to the conformation of antagonistic groups. But that only shows that life, with all of its claims, has existed before the appearance of the social being, not that material conditions determine social relations. The way that scarcity strikes living beings in nature, can be deemed a negative determination of matter (or better, of nature) upon life. But this constitutes only an inertial ensemble, not a negation, and what fundamentally conditions human praxis are emergent drives which cannot revert to inertia: first, the sheer biological search for fulfillment, and then value judgments. The latter may, and certainly often are, based on greed or egoism, which cause con-

frontations having nothing to do with scarcity. Marxists' underestimation of the human spirit is pathetic and deplorable.

⁶Rousseau, J. J. *Contrato Social*, Book II, Ch.XII, p.80. Espasa-Calpe S.A., Madrid 1975.

⁷Rousseau, J. J. *Ibid.*, Book I, Ch.V, p.41.

⁸Hayek, F. A. *The Constitution Of Liberty*. The University of Chicago Press, Chicago 1978.

⁹Hayek, F. A. *Ibid.*, Ch.VII, Majority rule, pp.103-117.

¹⁰Hayek, F. A. *Ibid.*, Ch.XIV, The safeguards of individual liberty, p.205.

¹¹Hayek, F. A. *Ibid.*, p.206.

¹²The division of labor and trade could not have been fully developed in very primitive societies for the simple reason that almost everybody produced the same things. Its advent, it is said, does away with common production. How it is then that many collectivist economies show a division of labor? Adam Smith illustrates very well how man seemed to produce for himself at the beginning. If he was hungry, for example, he went hunting. Smith adds that afterwards, with the division of labor and in order to better meet his needs, man started to depend on mutual trade, and that is why man needs to amass and keep his own products in stock in order to exchange them for others.* It is logical and natural that this little hoarding of stock is the equivalent of capital. And if the presumption of an intent to exploit is not warranted by this fact, neither is that presumption warranted by any other kind of accumulation.

¹³George Santayana is a philosopher whose writings show a lucidity hard to find in our days. In *Dominations and Powers* (Ch. XVIII, p.365, Charles Scribner's Sons, New York 1951), he states that when the economic differences (which in any case are inevitable) are allowed to exist without recognition of a merit and status which justifies these differences, under the pretension that the social classes have been abolished, those who receive lower salaries are likely to resent those who receive more. And that occurs precisely because they have been fed the fallacy that everyone deserves the same or according to their need. Such a situation can be observed in the Communist countries, where the state is then forced to suppress the protests which result when the system of alienation becomes overtly contradictory.

**The Wealth Of Nations*, Introduction, Book II, p.117. Great Books of the Western World, Encyclopedia Britannica, Inc., Chicago 1982,

CHAPTER VI

CAPITALIST JUSTICE

Justice is the overriding socio-legal value. The essence of capitalist justice, based on the third principle of nomocratic right, is the notion that the rights of any particular unit may not be violated even for the benefit of all the others. When the individual interest clashes with that of the group and both are fair, the interest of the group will prevail. This, however, must be ordered in praxis of the third principle of nomocratic right. The term capitalist justice is illustrative although redundant: justice is only possible as a result of the application of capitalist principles. As Ayn Rand said in *Philosophy, Who Needs It?*, justice is the right of every man to be judged for what he is and to be treated accordingly, a concept that forces us to establish differences, which we will touch upon in reference to property, since it is the right on which most of the polemics regarding justice is (and has always been) based, and since other (such as total) rights need no active source of merit for their justification.

We may also consider justice on the basis of specific requirements of practical reason in relation to the common good.¹ We must, however ensure that in basing justice on obligations dictated by the moral conscience—doing good and avoiding evil in various specific ways—we do not assign merit, whose recognition is yet another way of doing good, a lesser priority. Even though the concept of the common good implies universal opportunities for self-fulfillment, it may occur that the different spheres of the latter cannot be satisfied at par-

ticular moments. Let us accept, for instance, that in allowing someone to reach a legitimate level of fulfillment by building a palace, we could make it impossible for a considerable sector of the population to reach even the minimum level. Finnis would conclude that it is fair to proscribe construction of the palace for the sake of more basic interests and values, as can be gleaned from a similar example.²

Capitalist philosophy advises exercising political prudence in this matter, although it does not advocate building a palace while others are allowed to starve; what it states is that in cases of this sort it bears exhaustive research before we can determine on what side lies justice. The principles of practical reason are primarily general guides for action, never indicators of the specific subjects of right or of the shares allotted to them. Demanding, for example, that someone not act in such a way that he deters others from attaining a good only proscribes others from similarly deterring him. In order to identify the above subjects and their allotments, we need quantifying parameters to determine their sources of merit. Capitalist philosophy, then, asserts that goods must be assigned not out of a simple need of self-fulfillment but for having created the tools which make self-fulfillment possible—in other words, according to praxical right. The moral, the good, and transcendental duty are intimately linked to human justice, but not interchangeable, given that the former have less intention or connotations than the latter. All fundamental tenets of capitalism relating to need possess an immediate, self-evident and incontrovertible moral correlative which we have already established in relation to the second principle of nomocratic right, and according to which the assignment of every good, reward, right or privilege must be based on an action rather than on a condition. Condition in this instance means need. In other words, opportunities for self-fulfillment are more fundamentally juridical than actual opportunities.

The most obvious source justifying the possession of things or goods is the measure in which someone contributes to the creation and availability of such things or goods. Individuals contribute by obtaining or creating them, while the role of the community is to ensure that these become available in an ordered, rational and peaceful manner. In the first case, indi-

vidual contribution is measured and thus qualified by the market. In the second, the criteria are less patent, since there is no market process between individuals, minor groups or social organisms and the representative of the community, that is, the state. Thus, although we can rely on certain parameters of right derived from comparative historico-socio-anthropological analysis, at least to some extent we must appeal to an intuitive sense of justice when determining what belongs to society as a group and what is to remain in the hands of the direct producers.

Speaking of the common good entails referring to a constitutive goal of society which, up to a point, is considered a right for all of its members in an unqualified manner: given that a universal standard of compromise must be demanded in every political community, it is assumed that everyone contributes his share and thus earns the opportunities for self-fulfillment available in a society. Based on the principle of permanence, it postulates a historical projection for such a right, benefiting everyone who has a part in perpetuating that society. In regard to property, such projection, however, entails an assessment of the manner in which material goods are attained. Although the paradigmatic fruit of the common labor, the state of right, is considered an organic creation (a joint undifferentiated achievement) whose primary praxical display consists in universalizing its principles towards the attainment of a common good, the constitutive principles of society also include the recognition of individual contribution. Patently, there are cases of entitlement to certain goods or services just for the fact of existing. The care due to a newborn is the typical example, although here it is not the community, but the family, the primary subject of such obligation. It is also true that we all hold entitlements over what we can consider genuine institutional wealth or legitimate social patrimony, but since among other things it is not generated in the same measure by everyone, it must be assigned (material goods or services) *organically*. For those reasons, within a nomocratic framework of mind, the attainment of universal fulfillment should be considered a goal evaluated in terms of right, and not a prerequisite for the existence of a state of right. When such is the case, a given society may have failed to achieve certain goals, but it will never inflict

harm on anyone, in full compliance with the principles of practical reason. Withal, since individuals can only display their creativity in society, they also acquire a number of obligations toward it. All of the above—and our analysis in the previous chapter—gives rise to ways of conciliating individual and group interests which need not deny the rights of either, as one could possibly conclude from Finnis' argument, only of their alternate or deferred expressions. This becomes more important in crisis situations, as well as when some are unable to contribute due to circumstances beyond their control.

The palace must not be built, then, not because of any inherent injustice. We would need a sociological inquiry to make clear whether, for example, that the overall labor of society has been so deficient that the legitimate use of resources by someone engenders negative consequences for others. Were that the case of a *negative practical externality*, which current economics sees in any action which causes costs to others, it is the would-be builder we must take care to compensate. Dissociated from special circumstances, building the palace projects to the common good, since the latter is extensible from the parts to the whole, and what harm others may suffer results only from the fact that resources are not assigned to them which they did not create in the first place. Since costs are mainly subjective, the Austrian school of economics redefines negative externalities to be mostly unintended violations of poorly defined rights to property, such as uncompensated damages suffered as a result of industrial pollution of the environment. Otherwise, almost everything could be deemed to be or to cause externalities: subjective losses, changing consumption preferences, outperforming competitors, advertising, strikes, levying taxes, and so on.

Having said that, comparable circumstances we are likely to experience in daily life—our example stretched the norm for illustration purposes—will confront us with a special social dialectic case of priorities, which we can resolve by satisfying first the generic requirements for fulfillment. If accord was the whole point, I think no one entering a political community would disagree on that. Not building his palace does not restrain the potential builder from leading a fulfilling life in other areas, only to postpone construction till he receives com-

pensation for what he now contributes towards attaining goals and values of more immediate social priority. And the measure of their priority—not one implying unqualified subordination of the individual to the group, but a functional one—is in how their deferral tends to hinder the integral development of the community and its protracted decline and unfulfillment. Now then, as we saw in the last chapter, anything having to do with juridical priorities must not be based on extralegal moral principles, lack of fulfillment by itself (that is, its mending outside considerations of right) belonging to the latter. This means that any hierarchy of intelligible values must possess a minimum content of justice, so in the process of mending a non-attainment we do not end up causing another. The third principle of nomocratic right entails that there is no good too important as to be provided at the expense of a single unit of right. Thus, not every need of a social sector can legitimately be expressed as an organic need of the community, and only when it is so expressed can it merit fulfillment outside of the mechanisms of free interaction. Achieving a balance in comparable situations is no easy matter; even avoiding doctrinal contradictions is not easy. In my judgment, the common good may—in certain cases, to some extent, and in prospective consideration of right—be defined in terms of the physiology of the social organism. This must not be understood in the classic utilitarian sense of the greater balance of satisfaction, given the conditions of legitimacy we have already established. Utilitarian precepts maintain that just as an individual may sacrifice something of himself today in order to achieve a greater benefit tomorrow, so must society be able to do. This is unacceptable, since the individual can choose what to deprive himself of without affecting any sphere of right. Society, obviously, can do no such thing without violating the first and third principles of nomocratic right.

Summing up, the pursuit of the common good (be this expressed in a universal non-marginal standard of living, or in subsidizing worthy activities according to higher cultural parameters) only seemingly demands taking from some in order to give to others or to fund programs which the former (in general, taxpayers) would not want to: contributions for the common welfare are not really handed out from one mem-

ber to another, or to specific areas, but to the community in its entirety, and the latter, as a subject of right, can elect (according to rational parameters) where best to apply its resources for the greater benefit of its organic development. Now then, since the common labor creates no more than a state of right, it could be contended that it should provide only legal opportunities. However, since material goods cannot be efficiently created in its absence—and just as material goods and not only credit accrue to any idea or agency necessary towards the generation of wealth—the common labor must be regarded as a co-agent and a shareholder in the joint venture of production. Thus, depending on that which can rationally be demanded of specific producers, together with the amount of historically legitimized existing social assets, we will determine the degree and quality of resources available through institutional subsidies.

* * *

We must mistrust the new or *social rights* which, except for those praxical to the times, are actually anti-concepts and result in the violation of natural rights. There is, for instance, no right to work, for except when there was free access to the natural resources, job opportunities are in general created, so their utilization must abide by the will of the owners of such resources. There is a right to compete for work under juridically equal conditions (soon we will discuss the meaning of this). One interpretation of this right demands total job security, only achieving the permanence of bad employees in positions which could be filled by competent ones. This right discourages investment, promotes indolence, diminishes opportunity for responsible individuals, and is against the proper functioning of enterprises. No manager dismisses good employees—it is not in his best interest—and when he dismisses a bad one, a good one is likely to replace him, so no positions are lost and the working labor pool is not reduced. Why the needs of a worker who is to be laid off must have priority over those of one to be hired, which would not be met if the former is granted immunity against dismissal? Both parties must abide by the terms specified in a free agreement. Thus, firing—if it does not

entail itself a breach of contract—does not constitute a violation of any principle of nomocratic right. As a device in agreement with group rights, however, I would favor—instead of a mechanism of indemnification—the creation of social security services for the unemployed. It is contrary to the principle of subsidiariness to make of the state more than a circumstantial provider of jobs, rather than the guarantor of the management-labor juridical framework.³ Actually, the right to work, just like the right to housing and similar others, is a typical example of subjective right, and it is generally used as an instrument to promote demagogic ends or union politics. He who demands that others create jobs for him must ask himself what jobs has he created for others. The right to available positions—except those related to institutional functions or the development of common resources—is based on the free exchange of labor. Only in special cases of sub-utilization of vital resources these can be given for temporary administration to those who can use them better. Yet such a privilege does not relate to need but to the principles of social order we have discussed. Whatever involves neither action or contribution—save absolute and total rights—cannot be considered a subject of legal obligation.

We shall return to this later, but let us also note here that there is no right to land derived from the circumstance of having been born in it. In the same way that there is no reason to prevent farm workers from buying urban properties, there is also no reason to prevent urban dwellers from becoming landowners. The notion that a man may own only as much land as he can till and work with his own hands could only be considered moral if the hands of man were on an ethically higher plane than his brain. The productivity of the land belongs less in the realm of right than in that of practical economics.

Inequality

As we were discussing, the existence of a human differentia causes and implies that distribution cannot be egalitarian. But the psychological impact of these concepts is such that exploitation is posited merely on the basis of dissimilar economic circumstances, which could be based on merit as easily as on exploitation. Differences in wealth are not necessarily

dependent on who owns the means of production either: owners might also have meager profits or even losses contingent on the vagaries of the market.

People who wish to be seen as compassionate and understanding usually proclaim the equality of man without realizing that human nature is the same only in its fundamental drives and potentialities, and in the sense of everyone possessing the same essential, or better said, final dignity. If we may generalize for the sake of illustration, it is clear that there have been throughout history both peaceful and bellicose peoples, and ambitious and despotic peoples as well as noble and altruistic ones. The bad particularities tend to be blamed on their armies and governments, but it is no less true that certain human constants could reveal themselves in the composition of these institutions, some times pointing at the very least to a cultural factor. Many who agree with this still propose an economic leveling, because they acknowledge the moral justification of different outcomes in every realm but the economic one. Patently, this is sheer sentimentalism. Capitalism also rejects the so-called analogical equality, because the parameters for analogizing are too limited. We may say, for instance, that two people are getting equal treatment when they are given unequal supplies, on the basis that their needs are being equally met, such as when children are fed smaller portions than adults, but that does not exhaust the matter of justice. Capitalist justice aims to be one of emergent mathematics.

Economic equality would not be feasible in practice. What about products which become scarce? What about the advantages of living in more favored regions? Not everyone can live in the most prosperous cities. Equality, therefore, is unattainable. On the other hand, equality becomes impossible if we allow man more, even a little more, than is strictly needed to survive. If we allow him more, he may then save it rather than consume or spend it, and if some save and others do not those who do will eventually become richer. We would then have either to forbid savings or any form of accumulation, and expropriate what has not been spent in order to redistribute it, thus encouraging carelessness and providing an incentive for squandering the excess before its return is demanded. And a centrally managed fund deprives man of economic initiatives

and promotes stagnation. It would take despotic means to maintain such equality, and it would lead to conflict. This is the result of contravening the second principle of nomocratic right. To recognize this is inevitably to recognize a seed of capitalist thought. If we do not redistribute spiritual attainments, why should we redistribute material possessions legitimately achieved? The poor who come by a little more by virtue of their own efforts would hardly agree to share it with the lazy and the inept. Imposing equality enslaves and exploits the creative, the capable and the dedicated. Once the justice of unequal distribution is accepted, the matter becomes simply one of degree.

This is the time to examine something which is most relevant to the preceding discussion, more so because it has served as the basis for political action in some Western democracies. We are referring to the theory of justice developed by John Rawls, the well-known Harvard professor.⁴ The Rawlsian model is derived from a hypothetical social contract, where men would agree among themselves upon the principles of justice—substantive, basically distributive, rather than formal justice—which would rule them, all acting under a veil of ignorance. That means that nobody would know beforehand his social background or his natural allotment of talents and abilities in relation to others. They would have only general knowledge of justice and rights, and of the basic dynamics of society. This would eliminate prejudices and the pursuit of advantages in familiar situations, and would promote rational decision-making while seeking to make the best of one's lot in life. Plausible though it may seem to posit a contract as the means to establish principles of social justice, the really shocking element here is the notion that such principles are a matter of choice. Even though we value the social contract as the starting point of civil society, we see in it a mechanism for institutionalizing the natural values, not for determining them. Of course, if decisions are truly rational, the principles chosen will accord with natural law; the problem lies in Rawls' formulation.

In the midst of a discourse against utilitarian ideas, Rawls develops two capital principles of *justice as fairness*: 1) each person is to have an equal right to the most extensive total system of basic equal liberties (the freedom to hold property, polit-

ical freedom, freedom of expression, of association, of thought, and so on) compatible with a similar system of liberties for all, and 2) social and economic inequalities are to be arranged so that they are both: a) to the greatest benefit of the least advantaged, and b) attached to offices and positions open to all under conditions of fair equality of opportunity. These lead to the general principle, "All social primary goods—liberty and opportunity, income and wealth, and the bases of self-interest—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored."⁵

This comes from a conviction Rawls holds that all differences in assignation of resources, advantages or social position are arbitrary from a moral standpoint, even differences resulting from natural inequalities of talent and ability, not to mention education or birth in a particular social class. No one, he says, deserves his place in the distribution of native endowments "any more than one deserves one's initial starting place in society."⁶ He is equally contemptuous of the plausible value of character and effort necessary to develop natural gifts, because they are linked to growing up in a supportive family atmosphere or under favorable social circumstances for which no one can claim credit. Yet, he adds, following Keynes, that even substantial economic differences are acceptable as long as they benefit those least favored by nature. Undeserved inequalities call for redress, and demand compensation. To Rawls, differences are not unjust in themselves; what makes them just or unjust is how they are channeled by the basic structure of society, that is, how the major social institutions (competing markets, the political constitution, the private property of the means of production, and others) distribute the fundamental rights and obligations and determine the division of advantages derived from social cooperation.

In this respect, Rawls analyzes three systematic approaches to the matter. He calls the first *the system of natural liberty*, which is largely a free-market system. In it, there is a formal juridical equality of opportunity in the fact that, legally, positions and offices are equally open to talent as long as certain standards are met. But because access to advantageous social positions is determined by the initial differences in natural assets, he avers that the distribution of goods ends up

being equally unjust. The second is the liberal approach, which tends to rectify the above situation: not only must social positions be open to everyone in a formal sense, but everyone must have a fair chance to attain them. Those gifted with equal abilities must have equal opportunities in life, and above all, their aspirations must not be affected by their social class. Social contingencies would thus be eliminated, but wealth and income would continue to be determined according to the natural distribution of talents and abilities, so the system would still be unjust. Besides, opportunities will never be exactly the same as long as the institution of the family exists. The difficulties are overcome, according to Rawls, through his second principle of justice—the *difference principle*—which is fulfilled in the system of democratic equality.

Before proceeding, a question of method and order: who, in what way and with what tools, can determine who has really been blessed by nature? Because the simple observation of better results or a higher achievement in life do not necessarily indicate that their cause is a supposedly undeserved talent, such as a gift for developing excellent productive enterprises for instance. It is perfectly feasible that the most successful industrialist today is not the one possessing the greatest natural entrepreneurial know-how, but the one who exercised the most effort in exploiting his given dose of talent. We would then have to dismiss the effort of the latter by arguing that it was made possible by his unfair inborn superior capacity for effort, not enjoyed by the disadvantaged lazy laggards. Does it seem likely, even at this point, that a self-improvement-minded person, no matter how unaware he is of his position in society, would choose as a principle of justice anything which admitted things of this nature? We would, in that case, have to make an object of right of what has always been considered a vice or a flaw. Faced with the difficulty of determining exactly what can be ascribed to the play of free will and what to circumstances or natural gifts. Sidgwick, Rawls' mentor, admitted that voluntary actions should be rewarded in proportion to the worth of the services intentionally rendered by them.⁷ This improves over Rawls, but we cannot dismiss freedom to trade or other factors in determining just rewards. In the sphere of private economic activities, for example, the standards to qual-

ify for positions must be set by those who have created the job opportunities. The institutional enforcement in regard that positions are filled by those who meet certain requirements, standardizes the access to such positions in juridical equality; but as this leaves such equality at a mere formal level, it is generally bound to take place at the expense of the second principle of nomocratic right.

Certainly, some actually have superior ability to develop an industry than others. That does not make their triumph unjust, because there are different abilities to develop. But what of those who are less gifted in all respects? Allow me to defer the answer a while and examine an aspect of the matter at hand, the role played by the greater opportunities derived by virtue of belonging to a family or social class which provides the preparation and training for a position of leadership and privilege. Here is the crux of the matter: if Rawls deems unjust, because undeserved, what the most favored derive from natural advantage, how can he defend as just that their production be turned over to the least favored? Because it is impossible to point out any source of merit of the latter to receive such benefits. If assigning the individual blame to others or to the community is unfair, so it is to do it with merit. First, in reference to the most gifted, Rawls speaks of justice as related to merit; later, referring to the least gifted, he dismisses merit in favor of *fairness*. Taking these tenets to the realm of liberties, no one could be allowed to undertake any fulfilling pursuits or activities lest this was to the advantage of someone else. It is easy to see that the flaw in his argument consists in his practically absolute dismissal of right. By definition, right is encompassed within his idea of fairness,⁸ and the latter is based not on positive qualities, not even on qualities as such, but rather on the absence of qualities. We cannot identify any genuine value correlate in *fairness* as if to conceptualize it as justice, nor any objective qualifying basis to take it as a parameter of right. Let us admit that the most gifted create more because they are naturally endowed with creative ability. The obvious fact is that without their agency what they create would not exist, and no one could benefit from it. Obsessed with avoiding giving preference to some people over others, Rawls gives preference to a contingent value (the almost mathematical equal-

ity of opportunities) over a necessary one (right). And such transgression of nomocratic priority implies giving preference to the non-deserving.

Belonging to a caring family, concerned with upbringing, or to a highly-motivated social group or class, is certainly not the doing of he who is born in their midst; but since the merit resides in the agents who have earned it with their actions, it constitutes a complete denial of genuine fairness if the advantages are derived not by the product of their efforts—a creative individual, for instance—but by the products of negligence or imponderables. In a similar fashion, we would have to eliminate the right to receive inheritance insofar as the beneficiaries have had no part in the actions of their ancestors. The same would happen within a wider perspective, for the criteria of fairness would also apply to nations and cultures. I do not believe that anyone would accept to be deprived of the right to bequeath to his descendants the product of his efforts and concern. The higher expectations enjoyed by some peoples cannot be attributed to differences in ethnic endowment or physical environment so much as to acquired cultural differences which reflect in the quality and productivity of their work. Or will we have to project back to the founders of the ethnos, and evaluate from that perspective what unjust differences explain prevailing expectations? And what about past obstacles and leaps? Rawls' proposition is well-meaningly based on what men might ideally be able to give of themselves, but disregards what they actually do. In reference to each society in particular and to the individuals within it, what is intuitively and rationally just is that the contribution to the common good be the fundamental parameter for the division of social advantages and material goods.

It would be appropriate to ask Rawls where, in his model, are merit and effort really rewarded. Up to a point, Rawls acknowledges the existence of deserved inequalities. The problem lies in that there is plenty of room for arguing that the least advantaged are not getting the best of this situation. The expected outcome is a macro-redistribution of the product of the deserving ones, thus contradicting the recognition of merit. The worse thing is that since there is no way (other than when the evidence is unmistakable) to tell who is really

disadvantaged and who was born that way, the tendency will be to deem every distinct achievement as undeserved. On the other hand, it is not unheard of that someone achieves excellence despite having started at an obvious disadvantage. Can we call it justice if their product is parceled out among those who were born with unnoticed advantages yet went on to squander them? In truth, we do not need to go back to birth to find the cause for every positive or negative characteristic we observe later in life, for the relevant ones are generally acquired existentially. And since, with the obvious exceptions, man is capable of overcoming his negative traits, the factor of inborn qualities is minimized. Ultimately, nature's allotments are facts to be accepted, not judged in terms of desert. No one can be forced to give up his limbs for the sake of those who are born without them; these things fall out the sphere of right. It must be noted that Rawls' model permits the worst of *fairnesses*. Because also the most precious advantages we attain in life: happiness and inner peace, intellectual and spiritual enlightenment, will eventually be attributed to the play of inborn qualities. It would be a shame if the world of tomorrow, equipped with who knows what technology, were to follow the Rawlsian model to its ultimate consequences, depriving some of such treasures merely to turn them over to those who were judged to deserve them. Perhaps psychopaths, murderers, scam artists, and such. Sidgwick is more consistent on this respect, limiting the notion of justice to excluding arbitrary inequalities.⁹

Turning again to opportunity: it is unacceptable to prescribe it in equal measure for everyone who is similarly endowed—strictly speaking, it is impossible to find two people who are similarly endowed—because opportunity is a matter of previous creation of opportunity. Man's attitudes toward the world—such as a greater capacity for adaptation or a keener practical judgment, perseverance and self-esteem—are the most important factors in determining the nature of the opportunities he will enjoy in life. The opportunity platform, thus, changes at every instant, and cannot be constantly equalized for the benefit of passive recipients, even if such factors could be traced at birth. We all have the inborn potential, and thus the responsibility, to channel our endowments toward a fulfill-

ing development. Rawls' model gives preference to equal endowment (condition) over creation of opportunity (action), in clear conflict with the second and third principles of nomocratic right. Rawls goes on to propose a state where every essential branch has a redistributive function, which he somehow considers compatible with a system of private property. Although Rawls does not refer formally to the lower socio-economic strata, sooner or later they will be included within the disadvantaged and deemed subjects of right on such a basis. Eventually, Rawls' system will lean heavily towards repeated confiscations of the product of any successful enterprise.¹⁰

Now then, according to one of our criteria on common good, we stated that this is extensible from the parts to the whole, which is to say that any benefits attained by someone contribute in one way or another to the common welfare if they are attained within a framework of right. The ineluctable condition, however, is that such advantages be obtained within a genuinely moral framework; otherwise, the achievement of some does interfere with legitimate forms of self-fulfillment in others. That is my principal argument with Rawls. True, the advantages of some must redound to the benefit of all. Not in order to fulfill *fairness*, however, but because every individual achievement is assisted by the common social labor. Thus emerges the fundamental dialectic of society, whose fulfillment on both poles is essential. In our conception, natural endowments (condition) are not given any priority in determining entitlements, which is held by other natural determinants related to action. These justify the only advantages the really less gifted are entitled to, which relate to their generic contribution to the achievement of the common good, all of which we will carefully examine in the coming sections of this chapter.

In sum, within a framework of nomocratic right, there is no possible way that the achievement of any one individual will not redound to the net benefit of society, even if only because he must pay taxes to the public treasury. Here we have another difference with Rawls, in the sense that, formally, society does not demand to subsidize the least favored or for particular unfulfilled groups or needs; rather, it allocates organically, as we saw not too long ago. Rawls and others like him went

beyond the sphere of humanistic virtues and transformed the latter into parameters of justice, contradicting the first nomocratic rule of priority. In essence, although not quite openly, their theses revert to the value of need as an alleged source of right. Certainly, discovering the meaning of justice is impossible without a degree of spiritual disposition to fairness, but justice itself remains an objective fact.

The capitalist ethics of need

Given its formative principles, no society can ignore two things: contribution and need. What each member contributes deserves to be recognized on its own merits. Within the particular or the institutional spheres, need must be satisfied according to contribution, which is by itself a self-substantive source of right. Nowhere to be found in need itself is there an objective content of merit to justify title to anything. Strictly speaking, when we refer to needs we mean what is indispensable for survival. Less strictly, we could accept as needs those facilities which lessen the pressures of life and enable man to express his creativity. This concept led me to develop that of the *honorable minimum*, which we shall discuss shortly. In a wider sense, there is another category of needs, some of them psychological, but valid and hardly unimportant: beauty, exploration, entertainment, expanding knowledge, adventure, and others. Needs are best conceived of as relating to function: if a car is the only way to get to work expeditiously, a car becomes a necessity because it increases productivity and reduces work stress. The term "function", however, also permits categorizations.

The separation between creating for profit and creating purely to meet needs rests upon an arbitrary interpretation of the term need, for the satisfaction of any less strict demand will always be afforded through a remnant from the satisfaction of a stricter demand. Having all our fancies institutionally satisfied and no money left over, makes little difference with profiting with the same goal. In order to be consistent, those who dismiss profit should hold that production is ethical only up to the point that we are able to secure the most marginal level of existence. Esthetics, exploratory and similar

needs can only be satisfied through the creation of *superfluous* wealth, which makes possible for theaters to be built and telescopes to be made.

Other than seniority and inheritance, work (or rather, production) is the source par excellence of the right to property. It creates an unlimited right to wealth, while need creates only a limited claim which may not extend beyond satisfying elemental organic requirements and providing for the opportunities contemplated in establishing a political community. As Ayn Rand might say, he who demands more is simply a parasite. Accepting need-based entitlements to the detriment of other sources of right is anti-organic: in sacrificing someone for the sake of another, we deny fulfillment to the subject of the suppressed right, and impede thus the promotion of the common good. When a need is so extreme that it threatens institutional stability and the integrity of the group as such, it takes (functional and ordination) precedence over certain rights. We cannot allow famine to decimate a group, for instance, when some social sectors have the resources available to prevent it. This is a temporary phenomenon in response to a crisis, which may imply redistributive measures such as those found in primitive peoples. In order to fulfill the third principle of nomocratic right, however, the beneficiaries acquire an obligation toward their benefactors. The closer we are to those in need, the greater is our obligation to meet it, not only for the obvious reasons but because we assume that those who are closer to us are more instrumental to our productivity. Now then, it seems more than obvious that any legal provision or procedure intent on satisfying a need brought on by injustice, honors not need itself but a denied entitlement.

We are dealing here, then, with two aspects of need, that of moral duty beyond the considerations of right, related to transcendent justice, and that of right as such, related to human justice. We will discuss the first later. The rationale for the second is the historical projection of the constitutive rights and goals of society to the pursuit of the common good. The satisfaction of need, like any other goal, can only be deemed a right insofar as it relates to categories which are sources of right by themselves. Since generic contribution does not par-

ticipate of the usual mechanisms which assess merit, however, at least some needs may be met through the provision of services generally considered within the scope of the public goods, education above all. The constitutive right of the group is normally projected on this basis, although not every need creates a *de jure* obligation to fulfill it—need arising when vice is rampant, for instance.

Everyone, as a necessary consequence of the second rights to property, has an unlimited right to multiply their wealth once they fulfill their obligation to the common good. The capitalist ethics is far from being selfish; it is simply rational, since it gives priority to action (effort) over condition (need). In every order of life, be it services, politics, the spiritual life or any other, achievement is the result of effort. Not he who needs, but he who deserves, gets. Nothing changes within the scope of human justice. We must not make need a usurper of rights. Assigning property on the basis of need makes of property a utilitarian means rather than an ethical concept. Since a need must be met by the act of possession, and since need qua need cannot provide objective parameters of right to justify possession, the motto "To each according to his need", is definitely immoral.

The uncreative need little to fulfill their function. Not so the creative, and in the capitalist system what is needed to function is obtained through effort, not just provided. Assigning goods on the basis of need establishes a hierarchy of needs which may be entirely subjective. In a free economy, resources used to pay for the satisfaction of needs (including tastes and whims) are qualified by merit, so right itself remains an objective reality. Why should others suffer a bad worker (and the resulting poor service and bad investment as well as the slowdown in the generation of wealth) simply because positions and resources are allocated to the most in need rather than to the most competent? The universalization of this notion of right is contradictory to the highest degree. And if the able are allowed the jobs but they are made to share their production with he who merely needs but does not contribute equally to the common good, this goes beyond a violation of the second principle of nomocratic right: it is unscrupulously taking unfair advantage.

The recognition of contribution. The market.

The market is the most efficient mechanism to make a practical qualification of right or of the particular sources of merit—the evaluation of the generic ones will be addressed as needed. I am not partial to short-tag definitions, but any discussion will be difficult unless we agree on the meaning of work (in the sociological sense). Every ordered application of effort which creates a product, performs a function, or provides a service which in one way or another redounds in the achievement of the common good, must be considered work. Even if their production has no direct material expression, politicians and priests, among other examples, work. Ideologically, work means above all contribution, not the time or effort spent on it.

Anti-concept-based definitions lead to the most absurd assertions: that managers do not work, for instance. But we do not expect the manager of a soft drink company to spend his time making bottles. His ability lies in leadership, in grasping the overall picture, not in getting rid of refuse or in running the machinery. A general is past the time he had to engage in patrol duty or in direct confrontation with the enemy. His present work is more important than that of any single soldier. It is exactly the same with the manager. Such logic would lead us to entrust the direction of hospitals not to doctors but to nurses and interns, since theirs are the routine and time-consuming duties. There would be a loss in the quality of direction without even enhancing that of subordinate labor. The relatively greater benefits, hierarchy and power bestowed on doctors are directly derived from and in recognition of their merits and abilities. In the way many reason, yet in another context, it was the troop and not Eugene of Savoy who won the Battle of Belgrade.

Merit, in the narrow sense of conscientiously performed labor, is appreciated in different areas, but it cannot be made a standard of distribution because it is impossible to measure. Besides, devoted effort lacking in creativity is less productive than one excelling in the latter, which tends to be more highly rewarded because it contributes more to the achievement of the common good. However, demanding for instance equal pay for equal work entails suppressing competition, disregarding local

market circumstances, dismissing the personal assessment of the worth of labor, and ultimately stratified economic equalization. Thus, in the system, in the economic context, merit is evaluated through the free acceptability of labor, and not on the basis of a pre-established standard of meritoriousness. That is to say, contributions to the common good cannot be evaluated solely from a general or cultural point of view, but from the measure in which it satisfies the needs of individuals who, as units of right, must be free to accept and pay for what they see as providing them with a modicum of self-fulfillment to the extent their budget permits it, and free as well to reject what they see as devoid of value. This must be so also because only the traders can estimate properly the value of the fulfillment they attain versus that which could have been provided by the asset they yield in transacting. Consequently, since in trading both parties are supposedly fulfilled, the merit of their respective provisions will be assessed by the amount or the quality of goods received in return for what each one yields. It must be noted here that changes in supply and demand can make prices and distribution patterns to vary, the provision of fulfillment and merit remaining the same. But fulfillment relates to use-value, which, as we explain in the pertinent sections, is only one element of price, while the former are practical allocative determinants of the market system consistent with the right to property. We can thus deem the market process—within the limits and complemented by socio-economic praxis we advocate in this book—not a perfect mechanism, but the best available one to determine a just distribution.

Our basic interest in this discussion is the distribution of the wealth generated by a capitalist enterprise; it is here where the recognition of contribution must be maximized, since we are dealing with a structure where several are involved in the production process, some of which may not get what they deserve. There are other aspects of contribution which are left out of legal consideration in the system, their recognition being left to the users by means of market mechanisms subject only to the most general rules of right. To give one example, a design which improves the safety of airplane hatchways could be considered to render a more transcendental contribution than one which creates a new dress fashion.

But although the increased intelligible worth of the supplied skill will usually rise its demand and the hatchway manufacturer will have to recognize the merit of the designing engineer, the system cannot force greater rewards for the engineer than for the fashion designer. It is fundamental in a free society that there be free acceptance of products and services. As we discussed above, this must be so by virtue of the respect owed to the different needs and sources of right of the consumer sector, which entails the freedom to dispose of its assets as it pleases. The same is true of the acceptance of certain services not directly related to material production, such as spiritual, social, educational and others. These services often gain great recognition in terms of power and social prestige, which add to their reward.

Sidgwick has been among the authors most interested in finding out whether market value (as determined through free competition) could be deemed ideally just. He notes, for example, the inability of most men to appreciate what is of greater value, as often happens with scientific knowledge. He also presents the case of the man who buys land at a low price in full knowledge that the land contains valuable deposits, thus denying the seller fair value. And he presents the supposedly paradoxical case where, if things are assigned to whoever can make the best use of them—according to the utilitarian notion of fitness, which he considers reasonable for the most part—these could conceivably not reach the hands of whoever has rendered the most services in the past. He concludes, thus, that linking justice to both merit and fitness is somewhat contradictory, and that the ideal of justice is one that can never be achieved.¹¹ Sidgwick's reasoning is not without merit, and even though like him I do not envision an absolute ideal of justice as susceptible of realization, I believe that what we said on the previous pages, and the proposal we will soon discuss is rationally plausible. On the matter of taking unfair advantage of the seller, that is a fact of social dynamics like so many others in life, falling beyond the scope of human justice. What is important is that the system at least provide continuing opportunities. On the other hand, what usually happens is that the buyer assumes risks in order to exploit advantages which only become evident in retrospect. When it comes to his last point, there is no gray area whatso-

ever: assigning things—instruments of production, for example—for use by the most able dismisses the fact that such things would not exist were it not for the agency of their creators, and would therefore be available to no one. If we follow the way of fitness, we will really end up with a few owning the whole world. Free trade of what has been created, thus, is consistent with the three principles of nomocratic right. Even more in the case of subjective needs (as most of them actually are), where the market is the only indicator we have to assess which needs are to be satisfied first. This is an objectivity provided by the market system. Higher competence does not offer a source of right, except where a global social interest is concerned, in which case there are institutional resources which could be provided the most capable to prove themselves and their ability.

There are, thus, contributions to be institutionally rewarded. Members of the army and public servants, for example, support the entire productive apparatus, and the worth of their contribution cannot be determined by market mechanisms. Based on a sense of justice, however, other means of evaluation may be indirectly related to what the market would establish under conditions of free trade. In any case, state planning is hardly necessary in order to coordinate human activities and to ensure that these are spontaneously and legitimately adjusted. That is one of the ideas of Hayek, linked to its precursor, the *invisible hand*. Even though there must be rules limiting individual action, and preventing the use of economic freedom to institutionalize unfair-advantage trade mechanisms, the market, nomocratically considered, is an excellent mechanism of popular decision: non-coercive, and therefore libertarian.

Circumstances play a role in any society in determining that some find less onerous work than others. Some will be better rewarded than others if they happen to work for the right enterprise, even if they perform the same kind of service. This are merely instances of natural fortunes and calamities, and not to-be-corrected externalities, save what corresponds to a minimal opportunity. In the discussions that follow, I define creative work as that which contributes something extra, something of permanent not just immediate benefit, or something new of geometrical projection. It is precisely this which ideologically—that is, what constitutes the drive behind what

we see in the contracts—explains why the creative end up controlling the destinies of the objects produced. The work of the leader, of the more productive individual, of the entrepreneur and of the inventor fall into this category. All others are routine labors, including all those which involve little or no decision-making. Obviously, what is here termed adequate routine (or non-creative) labor admits further consideration. Some labors are more dangerous than others, some require a greater degree of technical preparation or ability, and even those engaged in the same work differ in their performance. As a rule, we would expect that labor demanding greater preparation or involving greater risk would be more highly valued in the market, but the freedom of the consumer to decide how to reward labor—especially in the commodities' market—overrides such a rule.

The same occurs when the articles produced are of the same kind (cotton, let us say) yet involving greater risks or costs for some producers, a more extensive use of pesticides, for instance. Assuming that the price of cotton remains the same—resulting in different profits for similar products—the case illustrates differences in the conditions of production which generally result from some producers planning better than others or deriving advantage from their own previous labor, which is obviously consistent with the principle of recognition according to merit. Now then, creativity is not only what is excellent and greatly innovative; we all know that there are many human endeavors which, though performed in a seemingly routine fashion, render extraordinary results. A bit more of good will, thought or organization make a difference. In fact, such a bit is already creative because it contributes improved function. There are, thus, many degrees of creativity deserving different degrees of recognition, and they result in the better-paid employee so criticized by the communists but who represents no more and no less than the rule of justice and right.

Of the honorable minimum

In its economic and legal organization, every society must attempt to provide each of its members (in exchange for his collaboration) at least with the essentials for subsistence in

accordance with his dignity as a human being. This is a familiar concept, but one which has often been based on extralegal moral considerations, the typical case of a subjective right. Please note that in this book we consider the subsidizing of services in return for constitutive support together with the minimum remuneration organically demanded by society, which adds individual labor to such support. This is so because both situations are germane to the requirements of the social dialectic pole which concern us here, and because both correspond to close praxical moments. Considering them separately—a minimum wage entirely afforded by the enterprises and one complemented with tax monies, in our case—would add little to the ideological aspect and would greatly complicate our presentation.

Since we have already advanced the reasons why the reward of generic labor towards establishing a state of right must in one way or another materialize in goods other than mere juridico-formal opportunities, we can deal now with the expression of the common good on the first level of concrete socio-economic achievement. This level takes on capital importance by virtue of constituting the first functional priority of every organized human groups and the baseline without which no political community could be said to offer everyone real opportunities for self-fulfillment (as one would expect from its constitution) or to have reached a functional level of social welfare. Thus, the first organic social requirement will be to achieve generic material (and cultural) fulfillment, although always abiding by the second principle of nomocratic right. Now then, and in contrast to the position taken by Rawls, although the generic requirement always remains valid, the universal right to social welfare does not derive fundamentally from an agreement but from a universal contribution to the common good, the *constitutive contribution*, or *formative support*. Why such contribution must be expressed minimally—Rawls instead demands a level of redistribution that, were it any greater, the least favored by nature would be worse off in the end—is explained by the fact that any achievement beyond it derives from specific individual (although joint) labor. If we subtract this labor, all that remains and corresponds to the constitutive contribution is a sheer state of right and correlative

juridical opportunities, since constituting a society does not by itself create material goods. Thus, what we have termed common labor must be coupled with particular ones in order that such opportunities concretize in material goods. On the other hand, the state of right does not display its contents in a mere normative fashion but as living praxis through institutional action, in whose absence no material goods can be safely and efficiently generated. That is why (economic) juridical opportunities are not exhausted in the formal and include a universal share in the wealth of the community. This is the nomocratic concept of the juridical equality we follow in this work; but opportunities which make effortless subsistence possible for a sector of the population, which should by all rights be productive, dismiss the requirement for particular action and imply anti-organical allocations of the social patrimony, thus being inconsistent with the formative principles of society. For this very reason, the expression of the common good in the context we are dealing with can never exceed a minimum, whose limits are set by the maximum which can be allotted through institutional action without hindering the expression of particular rights. This is reinforced even more by the fact that only a minimum level is needed for property to display its anti-coercive power. Let us also point out that those today considered favored started out—that is, they or their ancestors did—at some historical moment from an equal (or at least analogous) minimum level on their own path to self-fulfillment.

Honorable existence is here defined as non-marginal, allowing for creativity and not implying servitude or anti-libertarian dependence—of course, we must take into account the natural dependence of the least creative. Ideally, at least, every family must have adequate living quarters, not necessarily their own, but if so they must at least be able to rent them. In addition, proper nourishment, access to health care and education, a certain measure of social security, and of course adequate rest and leisure, are things that many contemporary human societies should be able to provide for everyone. In general, these things show how society honors the constitutive contribution in the context of the personal labor of those members of the salaried social strata—on the basis of the organic need to secure access for everyone to the goods of the culture.

As a society prospers, more must be channeled to all agents of progress. But since the members of the abovementioned strata perform mostly unskilled labor, in order to get something extra they must contribute to the betterment of the industry they are part of, or involve themselves in other activities. In the absence of that extra contribution, all they can expect is greater opportunities resulting from an improved level of institutional services, should the labor of society as a whole accomplish that. Now then, given the facts we just explained, man acquires a right to material goods and concrete opportunities in exchange for his labor. And since in a society where the market economy predominates the employer is usually a private enterprise, and being that such work is performed for the sake of the common good, society must then guarantee that remuneration is sufficient to make the abovementioned services affordable (when payment is expected for them) as an element of an honorable existence.

Let us note that we are not referring here to the remuneration of handiwork, small businesses and other such services, which must be determined by the contracting parties in each specific instance, because—in addition to reasons previously mentioned—any attempt to legislate such activities would prove impractical given the marked peculiarities of each specific case. Fundamentally we are interested in the remuneration of work significant to social welfare, that is, salaried labor in factories and enterprises at the macro-economic level. In truth, even in this case, the market process tends not only to provide an honorable minimum but a significant increase of real wages as well: huge amounts of accumulated resources do not rest passively in entrepreneurial hands but are channeled into production in one way or another. And since resources are seldom exploited to a maximum, we can expect some real economic growth, and capital reinvestment to create a greater demand for jobs, which leads to raised salaries. The contrary could be the outcome of social conditions impacting negatively on capital reinvestment, or of a deficient quality of labor. But it could also result from unwarranted use of the mercantile strength of the management sector, often complemented by some veiled coercive measure over labor. In this case, and as a rule only in this

case, it becomes necessary to resort to institutional action to restore the common good.

Liberal capitalists believe that establishing a minimum wage contradicts the idea of free human interaction and is achieved at the expense of someone else. However, when the enterprises, although progressing apace—as judged by the standards of the time and place—take advantage of their favorable position in the labor market to pay starvation wages, their profits are achieved precisely that way, since salaried labor is prevented from the self-fulfillment rationally to be expected in exchange for its contribution (through the enterprises) towards the common good. It is indeed a typical example of *unfair-advantage trade*—the term does not question in principle the legitimacy of any mercantile power, but the anti-organic use of that power. The need to prevent that from occurring in a generalized manner has led to the conception of various measures, such as the mentioned minimum wage and bringing in employees on profit-sharing plans. We will analyze the second measure at a later time in order to point out its inconvenience. On the former, we must make clear that in economic terms it may allow an acceptable degree of functionality (if increases in the wage level are not set above the rate of inflation, among other things) especially in developed countries, which have sufficient resources to prevent such a thing from causing much unemployment. Still, since that is precisely the usual outcome in economically disadvantaged countries, one would assume that a better solution would be to subsidize certain services and benefits with tax monies in order to prevent a counterproductive intervention by the state in the labor market.

Naturally, the capitalist ideology favors letting the market process find the balance, and thus set a realistic salarial level in a spontaneous manner. In any case, it is indispensable to avoid any excessive regulation. It is not infrequent that institutionally determined wages can be worked out only through a gamut of remunerative minimum for the different sectors of production, with the result that some of such sectors—those which will pay lower—and some of the workers—those who will receive higher pay—are artificially, if not demagogically, placed at advantage over the rest. Although this does not mean that the enterprises capable to pay adequate salaries are not to be demanded to do

so until all the others can, any minimum wage must be as unified as possible and no more than a temporary resource.

Wages may vary widely in response to market conditions. All in all, the market is a mechanism to administer justice among men, not a substitute for it. It is not a question that the resources tend to be better used when they remain in the entrepreneurial hands. Even if this were always the case, and it is not, the point is that everyone must receive what he deserves.¹² The honorable minimum is not in any way a statist concept, merely a reflection of one of the formative requirements of society, and it may in a way be considered an advance redistribution of the wealth produced. Placing its members on the path to maximizing human potential through a socio-organic recognition of their personal effort is the way—the only way—to enhance society while achieving an equilibrium between individual and community. This is actually the only economic goal whose fulfillment is to be structurally required for each and everyone. That is, that any economic activity performed within the social body must be legally oriented to fulfill such a goal, whose concrete attainment must nevertheless be subject to the contents of right of the structure.

Now then, it may happen at a given moment that there are insufficient job opportunities, or absence of patrimony where to apply labor, caused perhaps by imponderables or by the lack of creative action to some degree. In such cases, not due to negligence on the part of the worker regarding his contribution to society—or if such there were, by channeling resources specifically to and for the purpose of guaranteeing the children the fulfillment of their constitutive social rights—society is called upon to exercise its subsidizing function. That is a necessary payment, recognized in this rather unqualified manner only in these cases, for eventual contributions to society through labor—although actually, in certain situations, there should also be a requirement that the beneficiary engage in some form of community work. We will return to the subject of redistribution later in chapter nine and to that of work in chapter twelve.

The attainment of the honorable minimum must, in any case, be praxical to the historical moment. Also, services usually deemed in the common good may not be of the same qual-

ity in a developed as in a developing country, and it would even be absurd to demand them in a country devastated by calamities. Referring to our first principle of nomocratic right, the honorable minimum would constitute the generic (social) concrete object-requirement of right, and any other achievement the specific concrete object-requirement of the same. And the generic object-requirement of right may well turn out to be minuscule if the generic labor toward the achievement of the common good has been equally minuscule.

Marx ascribed the phenomenon of salary differences to the higher or lower development of capitalist production, implying greater or lesser degrees of exploitation. It is clear, however, that such a thing depends on the wealth created previously by each group. In many developing countries, an adequate wage (sufficient in itself to ensure a fulfilling standard of living) is just an ideal. In them, many mini-enterprises, even while paying very low wages, enjoy only marginal profits, and more cannot be required of them without bringing them to bankruptcy. Management-worker relationships take unique forms which, were they not permitted, would only create more problems. Because, in any case, unemployment is more to be dreaded than underemployment, and because these enterprises may eventually develop to a point where they are fully able to fulfill their mission. As is obvious, the problem to be overcome is poverty.

Summing up, I do not mean to say that nobody can make progress unless everyone else first enjoys adequate material resources. But since these are also an organic achievement, no one can be denied a share in the universal state of social welfare as far as this can be commensurably and commensurately abstracted from every one of the species, that is to say, a *minimum realized social opportunity*.

On remuneration in general

As we said not long ago, economic legal or meta-legal relations often take place at the microcosmic social level. Determining specific amounts of remuneration is not an easy matter here, and the laws which govern it belong more in the realms of daily socio-economic dynamics, hardly our main

interest except when an ideological problem is posed. For most societies where a system belonging to the nomocratic axis of life has functioned, it seems that there has been a spontaneous consensus (of fundamentalist cultural nature) which has greatly influenced the market (and also the laws proper when they are applicable) regarding remuneration. Every person, thus, has some notion of what (within his particular group) constitutes appropriate payment for a gardener, a cook or a visit to the doctor. Through an intuitive sense of justice and through its praxis, individuals and minor organisms of society are the most important agents in customarily establishing different valuations for each type of labor, taking into account the cultural worth in addition to the subjective and the market factors. Today, however, it is clear that vested interests and certain ideologies have destroyed that consensus in large population groups.

Since the ideas of Rawls are among the most relevant for all these matters, this is a good time to sum up the differences between *justice as fairness* and nomocratic justice:

	JUSTICE AS FAIRNESS	NOMOCRATIC JUSTICE
Basic concept of justice	Compensating for natural inequalities	Based on the actions of individuals
Attitude toward natural inequalities	Need rectifying	Do not concern right. Juridical inequalities must be redressed
Role of social contract	Establishes values and the concept of justice	Reaffirms what is found in nature
Proposed source and value correlates of right	A less favorable natural endowment. Correlates of right absent or subjective (need)	Merit determined by contribution to the common good. Correlates of right objective (action)
Justification for wealth	Linked to the betterment of conditions for others	According to merits of owner
Bettering conditions for others	By means of the maximum workable redistribution rate of the product of creative effort	By creating opportunities and through organic distribution of tributary resources

	JUSTICE AS FAIRNESS	NOMOCRATIC JUSTICE
Concept of opportunity	Demands equal actual opportunities whose generator tends to be another person. The expansion of the most capable considered to deprive the less capable of opportunities less that latter receive more	Advocates equal juridical opportunities whose source is their own generator. The expansion of the most capable deemed to increase overall opportunities, although the less capable may not receive more
Recognition and evaluation of merit	Denied. Evaluation impossible	Essential. Evaluated by the market and according to objective parameters of right
Material equality	Desirable if otherwise the poor receive less	Inadmissible; denies sources of right
Concept of tribute	Required in order to compensate those less gifted	Required as reimbursement for the constitutive social contribution
Justification of redistribution	In order to compensate for differences in achievement resulting from natural inequalities	Based on the merit of action by the social whole and on the placing of resources in accordance with organic social priorities
Social minimum	Undetermined or at the whim of a macro-distributing state	Limited to not forestalling any legitimate fulfillment of any source of right

It is generally said that the non-institutional determination of salaries results from the relation between all of the factors involved in production on the one hand—where the overriding elements are the supply of labor, the productivity of the latter, and union demands—and market demand and the consumer's ability to pay on the other. But I believe that certain other factors, linked to the mores, also warrant consideration, although these are usually more significant at the microeconomic level. Now then, there is truly no means to measure the quality or evaluate the contribution of an idea, an effort, or of leadership to their full extent. The number of

hours spent in work is too gross a parameter. Outputs taking the same time may vary greatly in quantity and in quality, which is the concern of the consumer or the employer. Free acceptability of supply, as manifested in trade, is the most helpful thermometer, but since it constitutes above all a mechanism designed to determine prices (including that of labor) in a free manner, it may give rise to the phenomenon of high prices for products and services which are little valued according to superior cultural parameters, and vice versa. In the capitalist system, such a situation is resolved by means of *the double praxis market-taxation*.

This praxis may be expressed in the maxim which must rule in the capitalist system: "From each according to his ability, and to each according to the acceptability of his labor by the particular units of right and/or his part in the formative support of society." This allows for the full expression of right: the market guarantees the freedom to dispose of what has been legitimately acquired in order to repay what each one deems meritorious and contributing to his well-being. And on the other side of this coin, taxation makes it possible for state institutions to function, and to fulfill their role of avoiding anti-libertarian dependency and preventing society from neglecting valuable labors which for some reason are under-rated in the market.

The book you are holding in your hands might be a valuable product from the perspective of a higher cultural standpoint, and yet it might happen that no one would care to buy it, in which case I would have to resign myself to accept the fact and view it as a natural calamity. The high relevance of cultural worth does not entail its mercantile acceptance. And if I have no other source of income, all I can hope for is to be provided with some relevant institutional, or private subsidy. Obviously, should it turn out not to be, it would take more gall than I have to demand remuneration simply because I have worked; for work to be remunerated to whatever extent it must be valuable to someone, solicited by someone, or—if remuneration is to be the object of institutional regulation—it must constitute a social organic priority and bear upon the attainment of the common good or of social welfare at the macro-economic level, not merely be performed. Thus is justice

fulfilled, since no one has forced me to devote my time and energy to writing something of no value to prospective buyers.

Free trade and cultural appreciation, then, are not opposites, but rather complementary factors before right. And as we said in chapter five, in those cases where state subsidies are required, it is not impossible to determine the logical priorities in the presence of various competing sources of right. With this in mind, we may confidently state that the honorable minimum, as heretofore considered, reflects adequately the contribution made to production by adequate, routine, non-creative labor. But the value of entrepreneurial work depends more on acceptance of the product and the overall management of the enterprise. There may be losses even when there has been hard work. That is why, excluding salaries and accorded bonuses, the profits should go to the entrepreneur. Other weighty reasons support this argument:

1. The honorable minimum as described does not entail an oppressive medium for the wage earner and it offers him opportunities for advancement. We can thus aver that it represents the real synthetic solution for the dialectical pole constituted by the subordinate labor force.

2. Non-creative labor without any type of guidance has never produced enough to overcome underdevelopment. It should therefore guarantee a dignified existence within the previously mentioned parameters, but not any significant amount of wealth. Excellent and high productivity can only come from creative work.

3. Non-creative work is the same everywhere: it contributes something that most can do, and does not add anything extra that has not been always added. To work on a specially designed fabric is no different from sewing on ordinary cloth. If the special design is an inventive creation, the mere act of sewing does not contribute to the new and higher valuation of the product. Routine work, then, contributes equally here and there. Of course, if the work is digging, it is more profitable to extract gold than stones, although as anyone who can shovel can extract gold, the difference is accidental.

4. The permanent benefits are the contribution of the entrepreneur. True, physical labor may be all that is needed to put certain types of machinery together, but it cannot be said

to create it: anyone fit enough can do the assembling. Equally true, there are those who possess ideas and no resources. He who possesses resources, however, has, in the relevant framework, previously carried through on an idea. In any case, the true creator is the one who contributes the idea—the comprehensive blueprint, of course. Obviously, this does not mean that—save patent's rights—developing an idea gives entitlement to property, for the praxis of right is not exhausted in just having an idea. The provision of means to realize an idea is another obvious source of right, although it is not relevant for our discussion.

5. The above carries the weight of history, and has been considered just by men of all times and places. Also, although this is only a practical advantage and must be legitimized, there has never been any doubt as to the benefit of placing the bulk of the resources under the administration of whoever knows better how to make them produce.

6. The laborer contributes only his present effort, while the entrepreneur contributes that as well as his previous work, crystallized in the resources he risks in the enterprise.

The concept of the honorable minimum is very important because it establishes the dividing line between unfair-advantage trade and super-redistribution. In this manner, capitalist principles, corollaries and praxes fulfill justice through the validation of the rational wills over good at both dialectic social poles. In economico-ideological terms, the honorable minimum could be seen as a projection of the first right to wealth. The second rights recognize special contributions, which cannot be subsumed within the first. Thus, restitution must always be contemplated whenever it becomes necessary to impose socially unequal loads—that is, the redistributions which in one form or another postpone the achievement of certain levels of self-fulfillment for the sake of achieving others more fundamental to the proper functioning of the social organism—on members of the community.

Notes

¹Finnis, J., *Natural Law and Natural Rights*, Ch.VII, p.164. Clarendon Press, Oxford 1980

²Finnis J., *Ibid.* Ch.VII, p.174.

³Zanotti, G., *El humanismo del futuro*, pp.58-60. Editorial de Belgrano, Buenos Aires 1989. For an enlightening discussion of how the fulfillment of social rights and the promotion of the public good have led to irresponsibility in (and therefore the breakdown of) the family, as well as to the surge of various social evils, I highly recommend reading chapter four, pp.167-234 of the above.

⁴Rawls, John, *A Theory of Justice*. The Belknap Press of Harvard University Press, Cambridge 1971.

⁵Rawls, John, *Ibid.*, pp.302-303. The principle of fairness which Rawls applies to individuals demands that these do their part when institutions fulfill the two principles of justice described, and when individuals voluntarily accept the benefits provided by a cooperative venture according to rules or take advantage of the opportunities it offers. This follows a well-known argument which H. L. A. Hart introduced in *Are There Any Natural Rights?*, that those who have restricted their own freedom for the sake of others have the right to expect no less on the part of those who benefit from such restriction. That is too general, and it does not in any way follow that one is obligated to accept any specific distributive patterns. If someone restricts himself to earn just a meager profit or wage, he may not force me to do the same. The only valid context for that assertion occurs when the restriction is a compromise not to infringe upon anyone's rights. Nor the benefits a joint venture offers imply anything of that sort, save what is a matter of contract.

⁶Rawls, John, *Ibid.*, p.104. R. Nozick also makes an interesting commentary on this respect in *Anarchy, State, and Utopia*. According to him, even if one could not claim merit on the basis of natural gifts, one is at least entitled to them. And attributing everything noteworthy about the person completely to certain sorts of external factors denigrates the autonomy of the individual and his prime responsibility for his actions, and does not fit the view of human dignity which the Rawlsian posture wishes to defend (p.214). Among especially perceptive critiques—and espousing a minimal state rather than the macro-distributing one Rawls ends up with—Nozick accurately notes that men might accept the blueprint for redistribution proposed by Rawls only if things came to them like manna from heaven. That seems obvious, since man does not appear to be naturally predisposed to refuse life's challenge to make the most of his talents. Even more important is the following question posed by Nozick (pp.198-199): do the people in the original position wonder whether they have the right to decide how everything is to be divided up? Because distributing something that simply flows is not the same as distributing what men produce.

⁷Sidgwick, H., *The Methods of Ethics*, Ch.V, p.285. MacMillan and Co. Limited, London 1930. Among other things, Sidgwick (p.286) comes to interpret fairness more as a form of justice, without identifying one with the other.

⁸Rawls, John, *Ibid.*, p. 111.

⁹Sidgwick, H., *Ibid.*, pp.278-279. It is possible to agree on this, although inequalities arising within a valid framework of right can never be arbitrary. I believe that the author had an adequate insight on the matter, although he failed to sketch out fully the intuitive idea. As he stated, the idea of justice clashes with an arbitrary inequality, since an equal degree of freedom does not exhaust the notion of justice: ideal justice also demands some distribution of other benefits (and of burdens as well). While I cannot force anyone to work for me under disadvantageous conditions, given his own free-

dom, no one can prevent me (given the freedom of contract and the market) from hiring a laborer under conditions patently unfair for him yet providing me with advantages I do not need in order to implement a rational business plan. We discuss adequate solutions to this problem in several places.

¹⁰Rawls, John, *Ibid.*, pp.275-289. The only system which can emerge as a result of following the Rawlsian blueprint is an extreme form of socialism. The fact that market institutions persist in such a system does not change its nature, since the owner eventually becomes a hireling of the state.

¹¹Sidgwick, H., *Ibid.* Naturally, the above is a short summary of the thought of the author. A full reading, at least of chapter five, is advisable. The points in reference can be found in pages 286-288. In certain extreme situations, fitness may indeed become a paramount source of right at least to the administration of the means of production. But the subsequent ownership of such means will have to take into account all the sources of merit over them, as well as the nature and source of the new administration: managerial appointment, contract, third rights to property, etc.

¹²One must wonder if anyway the economizing of resources characteristic of free enterprise will not produce a better outcome in the long term. From the strictly economic point of view, the answer is positive; but we cannot dismiss the fact that the economic process is immersed in a complex network of social circumstances, some of which interact intimately with that process creating a situation which impacts decisively on the results. If the reader would like a more detailed discussion of the matter at this moment, he will find one in note one of chapter nine, part one. On the matter of placing the resources in the best hands, we have already said enough.

CHAPTER VII

CAPITALISM AND PROPERTY

Property, as we have seen, is a conditioned right, even though it is given unquestioned validity in every moral society. But, unlike the cases of total and absolute values, property may accumulate in a unit of right in a manner incompatible with the achievement of self-fulfillment by others. That is precisely the character of its conditionality, which does not apply to the increase of property in itself. For instance, all of the existing means of production in a country may belong to a single individual as long as that capital is utilized in activities which also contribute to advance the group. This constitutes an organic requirement of that joint venture we call society, and a necessary right—even if there were no other—of the social whole given its formative support for the creation of the above mentioned means. In sum, limitations apply to certain economic, or mathematic, never to the rational-legal expressions of the right to property.

Capitalism has never idolized property. It has valued it as a libertarian bulwark. Because it is not likely that we can enslave someone whose right to property we respect. Every right is related to every other, and, as Ayn Rand notes, without the right to property one cannot exercise any other right, since it would be difficult without it to reconcile the various interests, desires, and points of view which appear in different social circumstances. Zanotti is even clearer on this matter when he warns that property is a necessary juridical tool for exercising the right to freedom of initiative in various areas of social life.¹ It is obvious that freedom of religion, no matter how explicitly recognized, is at least restricted by at the same time banning the use of buildings as churches or prohibiting the possession of ritual items used in religious functions. For

the free exercise of any activity within a similar context, the right to use and dispose of the necessary material means for its practice is essential. We can deduce from the above that we must attempt to ensure that everyone get at least a minimum of material means in order to guarantee his defense against the coercive actions of others. This is the nomocratic *universal purpose of goods*, a synthesis of merit and social providence mediated by right. Now then, although the existence of political freedom implies in itself the existence of a (valid) state of right, and therefore of economic freedom, political freedom is an overall result, and achieving it through the latter is the primary method of capitalism. But economic freedom means a right to undertake economic initiatives, to achieve and to progress, not an unrestricted exercise of our will over things. Here, political freedom becomes just a formal structure unrelated to parameters of moral content, and based only on will itself. This leads to the pseudo-capitalist para-anarchic systems where the wills of the weaker side—precisely to the extent that they lack the libertarian benefits of property—are unable to achieve any meaningful restriction of the wills of those having the upper hand in a contractual relationship.

The right to property must necessarily be accompanied by presence or dominion over the object of possession, although control may be legal or through representation. No one can claim as his something that he can not control in some way. The moon, for instance, may be claimed by the United States because they are the only ones who can go there. They may not be able to claim all of it right away on the basis of seniority, for this requires a historically generated bond between man and a territory through a measure of continuous presence and action upon the latter. But if they were able to colonize it and control it totally while no one else could step foot on it, they would have the right to claim it as theirs, all within the spirit of natural right. Capitalism considers that property as rightfully earned which has been obtained in accordance with the three principles of nomocratic right, within the context of the cultural values and fundamental customs of each human group.

Now then, in the realm of command and power over it for licit purposes, the right to individual private property is

absolute. Still, there are those who assert that the system of property must vary (between private and communal) depending on what is necessary to favor peaceful coexistence, and that natural right will protect that system which best fits the circumstances. Not only eminent philosophers and jurists, but even certain doctrines in the Catholic Church, hold this false appreciation. Others deny that the system of private property is natural since it is the product of a human accord, an accord which might have been shaped differently. What, then, would those who hold this view consider natural? Because the institution of a system of communal property would have also needed of a human agreement—we are not talking here of simple bio-adaptive praxes. More importantly, this in itself does not provide any system of property with a moral basis. Human accords should institutionalize nomocratic rights in praxis. Communal ownership cannot favor a lasting peaceful coexistence because of the simple but overwhelming fact that it does not take contribution into account. Under the system of individual property, conflict is the result of the transgression of a right. Under the system of communal property, conflict is implicit. It may be stifled by a tyrant state, or be little manifested because of peremptory need, the strength of mores, the simplicity of economic activity, or sheer conformity due to the lack of achievement of full individuality. The right to defend one's property is also an obligation to one's heirs. The rights of the state are separate from those of individuals only in order to guarantee the universal expression of the latter. This not at all means the suppression of the social dialectical pole, since only individuals can be the recipients of good, and since their fulfillment is organically achieved.

Inheritance

Inheritance is deeply related to the right to property. Justifiably and throughout history, man has wanted his goods and his status to be passed on to his descendants (or, in a larger perspective, to his group). This is based on the transitoriness of man on this world: descendants will reap what ancestors have sown, and will thus be able to aspire to a brighter future. Nobody wants or has to start anew in the caves, once

they have inherited the progress achieved by our ancestors. Someone must act as depositary for the wealth: the role of the heir is to conserve, enlarge, and administer properly. Direct descendants are the better heirs; besides the pure biological reasons, only they can fully appreciate the wealth created and defend it as their own, and we assume that they will also inherit the values which contributed to its creation. This was an important reasoning when inheritance also applied to power, but since this created practical problems the transmission of power through inheritance was discredited. When it comes to wealth, however, short of an overriding will, the closest family successor is the only lawful heir. The right to (political) power differs from the right to property in several ways. Power relates more to consensus and is not indispensable for human fulfillment. More important, power is not created in the same way than wealth, so the most able to rule is the best subject of such a right.

We all inherit. Our ancestors bequeath us their genetic baggage, their culture, and their goods. We inherit a country and the entire institutional infrastructure created by our ancestors. Even in primitive societies, when someone died, property could not leave the clan or the group. Many of the *intelligentsia* in democracies despise inherited wealth and assert that the only justifiable wealth is that we create on our own. If we accept this, then no one could inherit. Not the government, and not the people. Everything would have to be converted into refuse.

Men are not naturally equal, because of their inheritance among other things. Someone born in Germany and someone born in El Salvador will not receive identical legacies. Because of the work and the ability of his ancestors, the German-born will have more opportunities to develop and to stand out. We are also touched by the guilt and vices of our ancestors. In a larger scale, unequal inheritance is a fundamental factor in the differences between the rich and the poor nations. Those who have libertarian ideas must be consistent, and must not be afraid to accept the full consequences of natural facts. And for what it is worth, no religious texts have been found to oppose inheritance. The very justification of the right to property leads us to the corollary of the right to inheritance: while the inheri-

tor has performed no action to earn that right, the bequeather has, thereby earning the entitlement to dispose of his wealth in any way he sees fit as long as he does not generate negative externalities. There is no moral rule which compels us to make amends for the advantages derived from being born and raised in highly motivated, hard-working families. That is incompatible with a primary incentive for care, effort and sacrifice, which is the desire to bequeath a better future for our own children. Just like in a country older generations do not consider themselves sources of right separate from younger ones, neither do parents make that distinction with their children. He who does not defend his inheritance deserves to have it usurped. Even bees defend the beehive built by their forebears. If everyone defends his cultural inheritance, there is no reason not to defend material inheritance as well.

Production goods and consumer goods

This is a good place to analyze a particular aspect of right. Money and wine will serve as examples. The distinction is useful, even though like all wealth, they may become consumer or production goods according to their use at a given economic moment—here I will use these terms more in an ideological than in a pure economic sense. At a zero economic moment, the wine I am about to drink would of course be considered a consumer commodity and not a production or capital asset. But at economic moment minus one, he who sold the wine to me in the restaurant has used the same wine as a means of production (of money), and a similar process has taken place at various steps back. At economic moment plus one, which could occur if I did not drink the wine, the latter can again be utilized in the same manner.

Production goods are assumed not to suffer (at least not immediate) wear and tear, but to be the objects of investment or transaction. Consumer goods may even disappear after their use. Still, even the so-called first order consumer goods may be *invested* or used to enhance our welfare and health, in turn facilitating our work. Thus, they could constitute, at least indirectly, production goods. And their products, such as the energy to work, are evident and even meas-

urable. On the other hand, production goods, which are accepted as such at economic moment zero because they cannot be consumed in the sense that we cannot eat them or wear them, may be considered consumer goods in a broad sense of utilization or expenditure. We do not need to go to the above extremes, and the distinction remains useful. The concepts, however, are being used in a manner similar to sophistry in an attempt to have us believe that individual possession of consumer goods is ethical while that of production goods is not. Even if the previous distinction were clear-cut, however, why should it give rise to different criteria of right with respect to goods? Consumer goods and production goods do not differ in regard to the sources of legal merit. Yet some insist that the latter—usually restricting the term to what is known as the means of production, like factories and farms—should belong to the state to prevent exploitation. The right to something, however, is to be granted to those who earn it, and not to be denied because of its possible misuse. Compensation for abuses or negative externalities can be achieved through secondary legislation. In truth, what socialists expropriate is the fundamental means of production, the human mind and its potencies—including work, of course, which can lead nowhere else than to structural exploitation and to totalitarianism.

Some attempt to sway the masses by asserting that communism denies individuals only the right to production goods but grants them the right to consumer goods. How could they do otherwise? If those who live in communist countries could not even own the meat they eat or the coat that protects them, they would die of hunger and cold. But again, there is no true right to consumer goods in communist states other than to what the state arbitrarily assigns. In primitive societies, production goods such as tools for hunting or working the land, were in the hands of individuals, while consumer goods could be distributed as an adaptive measure to general deprivation. Capitalism has modernized this, and the private ownership of the means of production still bears a social function, only that it is the perception of the needs of the consumer sector what points out what is to be produced.

Capital and labor

A distinction is also made between capital and labor, when in reality both fuse into a legal continuum, since the first is—in every relevant economico-legal moment subsequent to primitive ancestral appropriations—the product of the second. The distinction is useful and valid in various contexts, of course, but just as in the previous case there is an attempt to force conclusions for political ends. Capital may be seen as the accretive *inert praxis* of economic values. However, since there are also higher-category values concerned with such accretion (through creative action), capital cannot be considered a kind of inertial and neutral resource, representing the entire contribution of the capitalist or entrepreneur, while the worker would contribute a real effort to the productive process. That argument is aimed at demonstrating that the worker is more important than capital, which originates God knows where. But while it is true that in a transcendental sense man is more important than money, it is quite a leap to jump from that consideration to the assertion that the means of production should be turned over to *those who work*. The capitalist is also more important than the money or the resources he has created, but his right to them does not depend on that consideration either. The argument is false no matter how you look at it, because it is based on a non-existent and ontologically misplaced dialectical conflict between living and inert praxes, yet it confuses the unwary. To begin with, it only takes into account the effort of the laborer over the means of production, and dismisses the previous and much more important effort that created the machine or the means, which might even have constituted harder work than the present one exerted by the laborer. Nobody would argue that, because it is taking place now, only the work of the present generation is worthwhile, and that what has been built through the centuries is of no consequence. Karl Kuhne says that modern economics (communist?, socialist?) sees what is already in place, such as machinery or money, as a gift from the past.² But it is undeniable that what is already in place took time and effort to build, and is not to be placed at the disposal of anyone for free. The intent is to deceive us with the false analogy that the present effort of the worker is more important than

the previous effort of the capitalist just as man is more important than machinery. The mixing of categories is obvious here: one thing has nothing to do with the other.

When man assigns a social value to something, this becomes a juridical object, basically by being recognized as a legitimate possession of the generator of the value. It would be contrary to the principle of permanence to dismiss such recognition without the mediation of a disqualifier of the generator's rights, and yet that is what many a real exploiter does: first, they acknowledge work is needed to obtain money, and then say it is already in place. We are not establishing comparisons between workers and money, but between work done at different economic moments by different people. All that without taking into account that most of the time the capitalist remains continuing to work and venturing capital. Workers contribute to the creation of a machine, but their contribution has been paid for in wages at a previous economic moment. The machine must belong to the one who acquired it through a free exchange or to him who has truly created it (following the criteria that we discussed in the last chapter), unless he agrees to exchange the resource or a legal obligation bears upon it, in full accordance with the second principle of nomic right. Doing work on something is not enough to legitimize keeping it, since—in addition to the fact that other entitlements may bear upon the object of work—allotments must be determined by contract.

Money as a resource. Profit and accumulation.

Money is no more than a conventional expression of wealth, which, by common agreement, it measures and represents. Capital manifests as an accumulated resource, the result of work at some historical moment. Money constitutes a means of production only because men have of their own free will agreed it can be exchanged for actual resources, reason enough to explain why financial crises can be overcome if a sound economic infrastructure exists at the bottom. Strictly, what is created is not money but wealth or capital, but since everyone accepts them as interchangeable we can properly say that the investment or reinvestment of money creates wealth.

It should be clear, as political economics demonstrated long ago that wealth does not depend at all on its worth in paper money; everyone understands that a general rise in prices does not mean that the group or the country have become richer. Issuing currency unbacked by production or a reliable standard, or to finance an unreasonable state deficit, devaluates the former with respect to the latter, and constitutes a hidden direct taxation as well as an excellent means for usurping the right to property. Now then, the price assigned to something in paper money—ideally, it should be in gold, as in John Galt's valley—at a given economic moment determines how people value that thing and the wealth it represents for them at that economic moment. And thus, when something is accepted by mutual agreement to serve as an exchange medium in order to facilitate economic transactions, that something becomes wealth or capital—this distinction, by the way, is academic, capital usually understood in the context of investment tool—not materially in and of itself, but representatively and before right. Because every time it changes hands money is at each step redeemable for equivalent capital or wealth in accordance to the accepted exchange rate. Whoever possesses money does so because he has received it in exchange for something he has created through his work. Thus, because it represents merit and the crystallization of work, its possession must be determined in accordance to concepts of right. For that purpose, which is what concerns us, distinctions between wealth, capital, and money are irrelevant.

In accounting, profit is what remains after an enterprise pays salaries, interests and rent, and deducts costs and depreciations. Some economists explain profits on the basis of innovation, the risks of investment, and certain monopolistic maneuvers which bring about fictitious shortages; that is partially true, but it does not take up the matter from the ideological perspective. If the profit obtained (by an enterprise) through the productive process is a way of labeling the (positive) difference between two levels of wealth, before and after an investment is made, only by denying that entrepreneurial activities contribute to the common good or that they represent work can anyone deny entrepreneurs their right to

profit. When profit occurs as a result of transactional economic activities—including things such as investing of resources in businesses or stocks—its justification depends on the right to property, which implies the freedom to decide the destiny of accumulated goods. For those same reasons it is also necessary to recognize the indirect consequences, such as the right to accumulate.

Sometimes people refer to profit as the excessive personal benefit or gain resulting from a sale. Who, then, profits? The salaried worker who garners more by selling his labor than he needs for basic survival? Strictly speaking, profit refers not only to what you can take to the bank, but to any value added (even one uniquely personal in outlook) achieved as the result of an economic transaction. Before going any further, let us state that in the system, in terms of economic functioning, profit is indeed an end in itself. But in the overall social context it is not the ultimate goal, given its subordination to considerations of right. There are some activities in the capitalist system, not involving either the merit of producing wealth or the work of transferring merchandise—which is the usual endeavor of commerce—where the benefit lies in a sale price higher than the purchase price. This type of profit, typical of the real estate business, corresponds to a special commercial mechanism which, although it is not the paradigm of capitalist praxis, involves risk and is, as we said in the previous paragraph, a corollary of the right to property. But perhaps the most maligned form of profit—that which has come to be known as *unearned income*—is that which takes place when a resource or asset is placed at the disposal of another, that is, leased. But it takes an overabundance of gall to demand that someone who has not participated in the effort and risk of creating a resource, and yet is able to use it in his benefit, also take all of the profits. Labor performed in the present economic moment is not the sole factor to be considered in determining jurisdiction over resources. Access to these must take into account the entire framework of right. The case of the machines, which we discussed recently, is of that very nature. If someone owns a cow and is not milking it, that resource is still supposedly the product of previous work, payment or care, and anyone who wishes to milk it will

have to pay for the privilege, either in money or with a portion of the milk collected. It is no different with money: we can lend it at interest for someone else to *milk it*. Economists may lucubrate on factors such as the so-called original interest, which derives from the fact that people value the assets, goods and services which are present now more than future ones, such as projected production. But the framework of our discussion seems enough for ideological purposes. The profit obtained from interest received on a loan fits all the requirements of nomocratic right; defaulting on a loan is immoral. A borrower who pays nothing for the use of a resource has received a present which gives him undue advantage over others who lack resources on which to work. That often happens with statist loans of demagogic nature.

The alleged repatriation of benefits on loans between countries follows the same rules as those on loans between individuals. It is a matter of mutual benefits: the borrower obtains a resource, but also enables the lender to gain from that resource. The placement of means of production in other hands usually results from the impossibility of using all of those means at the same time. But as long as the borrower is potentially fulfilled, and is not forced to accept no matter what deal by lack of alternatives, there is no coercion in the fact that the lender may set terms over how to share the benefits of his resources. On a related matter, the play of money is best organized in the capitalist system. Banks, for instance, have the role of assigning resources in the most efficient manner, avoiding whenever possible the existence of unproductive capital. Since these resources come from their depositors, they must also receive some payment, just as banks receive payment for their work (of placing resources) when they charge interest on loans to third parties. Otherwise they would go bankrupt and harm depositors. But all these transactions are carried out without coercion, unlike what happens in Communist societies where banks are indistinguishable from the state. Even if the state loaned money at no interest, that still would not justify its illegitimate appropriation of resources in violation of individual rights.

Ibañez-Langlois is one of many who advocates the democratization of economic power through socialism, and sees evi-

dence of moral progress in precluding any gain related to the possession of capital. "Everyone everywhere aspires to a world which recognizes no hierarchies, privileges, or attributions unless they are linked to work," he writes. And he continues, "where neither rank nor blood nor even the mere ownership of capital can be a source of power or dominion. No more categories of work, no more fetishisms of capital, no more political denominations than those pertaining to labor."³ Strangely enough, Ibañez-Langlois is right, but not for the reason he thinks, as it must be patent from what we have discussed so far. But here I would like to show how an anti-natural measure leads to the implementation of the whole anti-natural praxis. Men need tools to manifest their potential. The laborer needs the natural resources and the entrepreneur the tool of capital. Therefore, he cannot be denied the right to undertake fruitful activities through his possessions, unless we also deny legitimacy to the latter. Such criteria hinder a better use of money today—its use as a financial vehicle to duplicate wealth—and block the economically creative from achieving self-fulfillment. If we ban the power of money to work by itself, other resources could be invested, so we would be back on square one, with enormous administrative disadvantages. We would then have to go to further extremes and ban all use of resources for private gain, until nothing was left but to propose the final solution: the abolishment of private property.

The right to property contributes to the realization of the full individual. Exploitation is achieved precisely by denying that right to some: every conception of injustice in relationships of production or distribution reverts to that simple yet basic fact. And now I must ask Ibañez-Langlois: Does blood not mean inheritance? Birth in an empire will give rise to privileges unavailable to those born in a country of ne'er-do-wells. Does Ibañez-Langlois ignore the right of inheritance? There are no fetishisms of capital, only the fruits of labor! In economic terms, accumulation refers to resources in stock; in ideological ones, to a *praxico-inert pool*, whose allocation in the capitalist system is particularized. This *praxico-inert pool* is represented not only by money, but by everything that man produces: universities, theaters, roads, houses, swimming pools, absolutely everything.⁴ The group accumulates in the form of institution-

al resources for the benefit of future generations, the individual in that of private wealth for the benefit of his offspring. Speaking of production, in general terms, what is accumulated is the surplus. The word, however, is not easy to define. Ideologically, only that which serves no purpose is surplus, and in that sense it would hardly exist. Less strictly, whatever does not serve to relief an immediate or basic need could be considered surplus. A good harvest would fit that definition, together with anything else that could be considered superfluous. But the right to own surplus is derived from the right to property: only he who produces may accumulate. Certain phenomena harmful to the common good which can result from hoarding—artificial scarcity of basic goods, for example—are considered elsewhere. The above explains the bad reputation of hoarding, but then whoever happens to be the sole owner of resources of a kind and does not negotiate them immediately, should bear the blame of hoarding them. Timely dealing is economically sound and a corollary of the right to property, and hoarding may also mean amassing the necessary resources in order to start a productive activity from a better economic platform. The purposes of exchange and reinvestment need no further comment, but one not generally considered is protection. If man did not accumulate, he would be helpless in the face of any adverse situation, a poor harvest, for instance. If the surplus is given away, that need is difficult to meet. It is especially in this sense that nothing can truly constitute a surplus since it serves the primary goal of protecting from adversity. Surplus, however, also serves to help our neighbor. This end, important in itself, could not be met if we produced only enough to meet our basic needs. The capacity to provide help is not the primary goal of accumulation, but a corollary of an intelligent and natural act, which is accumulation.

The continuing projection of the right to property and its orthopraxical framework

Excellence in productive work must facilitate further tasks for the achiever: abundant offers follow professional recognition, doors open for those who stand out, and the good warrior advances in the hierarchy of command. Similar rewards must

go to those who succeed in economic production. The entrepreneur who earns greater benefits with less taxing work after having accumulated capital deserves them precisely because he created the resource. A country obtains benefits from previously built highways, needing to work much less on their upkeep than on their construction. Are we to require a group to build new roads every time it wants to mobilize itself? It is creation, not the provision of maintenance, the fundamental source of right over things. That is true for any knowledge, possession and ability acquired through effort, and it is fair that it is so.

Unless it is a matter of a concession or a contract—such as, for example, an appointment to an executive position, or a sale—no right, following the principle of permanence, has an expiration date. Assigning one to the right to property an individual has over a thing, without mediating any disqualifying criterion, constitutes only a deferred usurpation. And upon relocation, no matter what parameters for assignment are followed, there is no way to provide the necessary basis—be it creation, a grant, inheritance or seniority—to justify the possession of the usurped good. Thus, where the public need demands the seizure of a private asset, the right to property must be transferred to another object. Permanence can be dismissed only in certain cases where a protracted absence or lack of dominion over an object allows others to get second seniority or to exert meritorious action over such object. The most typical case occurs in the trans-generational international realm, as we discuss on pages 508-509.

Proudhon asked how it was that the work of thirty years could result in eternal ownership.⁴ The answer is that the time expended in creating a resource is irrelevant. What matters is the merit of creating the resource, for which reason—and as long as no other sources of merit arise which impinge on the ownership of the resource—the creator constitutes a permanent subject of obligation, resulting in the continuing projection of his right to property. Is the paycheck handed to the worker not for his life? I do not believe that he would have challenged the fact that if a country dams a river in order to generate electricity, the resulting dam may take five or ten years to build, but that resource and its benefits belong to it forever since no alien unit of right has earned merits over the

dam, or if it has—a foreign company participating in its construction or doing repair work on it, for instance—the recognition of such merits can only take the form of economic remuneration. Wealth is an earned resource; whatever man sows now, he may continue to reap its benefits for an indefinite time, not only in the economic but in the intellectual and spiritual arenas as well. Or else, expiration dates, unending expropriations, and transfer to parasites. Machiavelli said it long ago: usurpation of their patrimony is the last thing men forget; even bees sting when we do it to them.

* * *

Everything we have reviewed so far with respect to the right to property—and what follows throughout part one of this book—must allow us to identify its orthopraxical framework, that is, the way it manifests or should manifest, channeled together with a rational hierarchy of moral and practical values idiosyncratic to each group or culture at each socio-historical moment. Naturally, the way in which each secondary law and by-law is to be established (for the purpose of reaching concrete decisions regarding certain matters concerning the distribution of social advantages) is something to be developed by each human group on the basis of a careful evaluation of each social dialectical situation. That, however, is not the purpose of a theoretical study such as this, but merely to set guidelines and parameters for judgment which reduce the margin of error as far as is humanly possible. The existence of such a praxical framework implies the existence of variables. Still, in every group, country or system where the nomocratic axis reigns, the three fundamental principles which we have discussed when analyzing doctrinal right—particularization, meritoriousness and inalienability—will never be found to be lacking.

The enterprise and labor unions

Although its origins lie in antiquity, the enterprise is the heart of the modern capitalist economy. It is a social microcosm, and it is one of the power centers at the heart of capi-

talism. That is why it is defended as one more institution of society. The enterprise is a factory of opportunities, and the ideal mechanism to fulfill the goal of freedom from poverty. The enterprise system begins to function as such in the Netherlands in the sixteenth century with the appearance of the manufacturer-tradesmen. The tradesman is the owner of the means of production, the artisan becomes a salaried employee, and those who lack means of production end up renting their labor. This arrangement has been excoriated in every possible manner because laborers are said to work for someone else. But their subjection to orders is contractual and only in a commercial sense the owner's power over the objects of labor could mean that others work for him. Laborers could even be paid with finished products, if that were agreed upon. Thus, before right, and since labor will be accorded its share through salaries, the fact is that the laborer works for himself, only that he does so in someone else's enterprise.

The system encourages every capable individual to start his own enterprise. Thus, small businesses are often started by wage earners and artisans as well as by professionals and members of the middle class. It is false that only large corporations do the investing in capitalist countries: statistics show that hundreds of thousands of personal businesses are started every year in the US alone. Let us also remember that, in large numbers, common people have become shareholders in the common stock of most major enterprises. When we analyze Marx's *Das Kapital*, we shall see how its main tenet, the inevitable exploitation of the worker by the enterprise, is largely due to a denial of the right to benefit from investing accumulated resources. In every more or less functional enterprise in capitalist societies, there are those who perform routine tasks and receive an honorable minimum, while more capable employees attain higher ranks and receive larger benefits. There are, then, opportunities. Opponents of enterprise are offended by the accelerated progress of the factory owner simply because the employee does not make progress at the same pace. They do not understand the intimate mechanisms of progress and the reasons for the difference. Creative work has preceded the establishment of the enterprise, which is the last step to accelerated development. We see developed coun-

tries surge, while underdeveloped countries inch, forward. It makes sense: the latter have not reached the takeoff point, that is, they have not yet done the creative work which underlies solid and accelerated economic development. That is also true for managers and employees. Today, however, credit can accelerate the expression of entrepreneurial talent.

Labor unions are integral and useful, although not necessary elements of the capitalist system: the framework of right can also be made to prevail through the isolated units. The former are often politicized, moreover, due to the socialist trend of the times. Unions should consider themselves a dialectical counterpart of the enterprise, not its enemies or rivals. Still, when the latter is the case, a need is often found for more humane treatment of employees by the enterprise, which, in addition, would be a management improvement. Generally, a good worker is appreciated by the enterprise. For that same reason, an inefficient one or one who is harmful to the enterprise must not be protected by the union. The union loses trustworthiness if it does. Besides, wresting authority from the enterprise, as when the legal system demagogically favors the unions, often results in the destruction of the enterprise to the detriment of the entire community.

Lay-off compensation may be indicated in countries where patrimonies are poor and welfare or insurance systems are absent. But this measure is subject to the considerations we make elsewhere (as in note six of this chapter), and a solution must be found which does not place some workers at an undue advantage over others. Note also the difference with freely contracted labor, where competition for available jobs gives no one undue advantage. The union—functioning as a voluntary grouping, since coercing workers to join a labor union goes against the right to free association, and forcing their affiliation to a single megasyndicate truly smacks of fascism—may serve to compensate for the mercantile weakness of the isolated worker as well as to facilitate negotiations with the enterprise. What must be prevented is creating a legal precedent for interference by the union in the functioning or management of an enterprise which does not belong to it.⁵ Private enterprise may be required to pay minimum wage, but not to cede power or

areas of management piecemeal to its employees. On the other hand, a rational taxation obtains a contribution for society without impeding the economic growth of the enterprise or infringing on its autonomy. We should make the point here that there is no reason to call some strikes legal and other illegal: these terms merely reflect the fact of state interventionism in the management-labor relationship. As long as nothing more is involved than a work stoppage, and there is no disruption of services vital to the collective interest, every strike is basically legal. If labor unites all the workers in one industry, and this results in higher salaries or other concessions as a result of the ability of the union to regulate the supply of workers, that is part of the free market and it is even preferable to state laws on minimum wage. What must be equally recognized is the legality of the enterprise in laying off workers and hiring willing substitutes at its discretion. The state is called upon only to insure that both sides have legitimate opportunities for self-fulfillment, not to overregulate the management-labor relationship, thus creating the conditions for free trade to find a balance praxical to the system.⁶

In an enterprise, everyone must prosper to the degree earned by their creative effort. Naturally, the greatest benefit will accrue to those who contribute in a lasting manner, such as by discovering a way to make a more durable bridge. But unless the materials get transported, the nails hammered, etc., the bridge remains a dream. Union strength may be a ready antidote against ignorance of this fact. And just as society values the great general who is a master strategist and tactician more highly than any particular foot soldier, it has no illusions about being able to win the war without the infantry. Extremes, be they of the right or the left, are anti-natural and off the mark.

The entrepreneur measures his achievement by the growth of his enterprise, just as the painter measures his by his painting. Many call it ambition, but if ambition is the desire to do better or to make progress, this desire is as good as the means utilized for its fulfillment. Even mystics could be called ambitious, since they wish to improve their spirit and mind. Do socialists themselves want to remain stagnant? Once

again, distinctions between individual and group ambition are arbitrary. In general, competition is an effective mechanism to protect the consumer from entrepreneurial abuses. For that same reason, quality controls are unnecessary and even counterproductive under normal circumstances; they are justifiable when the products involved represent risks (to health, safety, the environment), although here fines may be more useful. An advantage of the capitalist system is that the entrepreneur does not have to be physically present at every one of his enterprises all the time in order to apply his ability to produce. Given that the entrepreneur needs to gauge the demand for his product, the system of free enterprise has proved to be an effective method for saving resources, and thus for the creation of wealth. And all of this, obviously, is the result of the respect of the right to property. Labor unions must change their mentality: as Hayek has amply demonstrated, a centrally directed economy is the worst threat to their survival, and the free market their best guarantee.

Notes

¹Rand, A., *Capitalism: The Unknown Ideal*, p.259. Signet, New American Library, New York 1967. And Zanotti, G., *El Humanismo del futuro*, pp.49-50. Editorial de Belgrano, Buenos Aires, Argentina 1989.

²Kuhne, K., *Economía y marxismo, Valor y plusvalía*, p. 161. Editorial Grijalbo, S.A., Barcelona 1977.

³Ibañez Langlois, J. M., *El marxismo, visión crítica*, Ch.IX, p.403. Ediciones Rialp, S.A., Madrid 1975.

⁴Proudhon, P. J., *Sistema de las contradicciones económicas o filosofía de la miseria*, Vol.II, Ch.IX, p.161. Biblioteca Júcar, Madrid 1975.

⁵Picketing, when it obstructs the functioning of an enterprise, is the most typical case, totally unacceptable before right. Labor has an absolute right to organize and strike in the capitalist system—only a tyrannical system like the communist one denies that right, all the while claiming to value work. But picketing is often a way of preventing those who want to work (and who disagree with union policies) from working.

⁶One example of the problems brought by overregulation occurs when enterprises are forced to pay their workers the access to certain benefits after they have served a certain time in the former. At some moment, this can make such enterprises inefficient, as a meaningful enforcement of such a measure requires forbidding laying off the favored workers before they become entitled to the benefits. This, in turn, takes one more step toward a mixed economy and statism. If this is the established practice to guarantee an honorable existence to the workers, and if this does not threaten the efficiency of the enterprise, the preventive lay-off just to avoid paying the benefits, will be immoral. But as I have mentioned, all that

might be needed is the provision of essential services by the state. This is more universal and interferes the least with the work and the economic life of the enterprises.

The ideal, although in many places cannot be more than that, is to let the labor unions and enterprises enter into contracts where all issues pertaining to wages, benefits, and even certain conditions in the event of lay off, can be freely determined. Individual responsibility is always a nomocratic requirement. On the other hand, a system of pensions, or a similar measure, may be needed when salaries are so low that they do not allow room for savings for the future or for old age. By the way, all of the above gives the lie to those who see a contradiction between a common undertaking which represents the enterprise and its particular ownership—the possession of the workers by the entrepreneur being even posited at times. A common undertaking, however, cannot turn everyone into an owner if the origin and the provision of means for such undertaking has been the product of a particular work and initiative.

CHAPTER VIII

CAPITALIST PRAGMATISM

It is possible that the concepts of good and evil may be reduced to practical matters: right thought or action works; the opposite brings us only false benefit because it is contrary to our nature. This is different from the pragmatiko-utilitarian position, which assesses moral concepts merely on the basis of their potential to achieve goals or satisfy demands, since here we define good as the outcome of the full identification with our true selves. Thus, we can deem what works an irreducible fact of nature and a rational parameter for social action. What we cannot ignore is the natural hierarchical order of practical results, in our case, the subordination of quantities (of material achievements or wills) to principles. Forced labor will achieve the goal of high productivity only at the expense of freedom, in open conflict with the third principle of nomocratic right. Expressing good and evil in terms of quantities, and deriving principles on that basis, opens the way for expressing them in terms of whatever we wish. Since this excludes the possibility of any rational universal normation, even the most extreme pragmatist has to differentiate between licit and illicit purposes, and for that he has to assume a iusnaturalist posture. He then hedges by averring that ends are licit or illicit depending on the times or circumstances, but is incapable of offering a foundational criterion of legitimacy, a value which can be accepted as an end in itself, to justify the purposes of the moment. Finally he takes one of two paths: he either unconsciously adopts the praxis of natural law, or simply gets car-

ried away by the prevailing decision-making mode, the way of the king or the way of the votes.

Deeming it socially beneficial, the pragmatic capitalist position aims at achieving the greatest quantity of material goods for the greatest number of people, although it is even more socially beneficial that this goal be achieved through the free acceptability of labor. Such a goal requires a series of practical attitudes of the mind. One of them is the pursuit of economic advancement, which is usually achieved through profit, the latter representing, at least paradigmatically, a legitimate distribution of new riches brought forth from nature—or created from its raw materials—in which case it is projected as common good. Now then, although gain based on greed is not practical in the humanistic sense, the nomocratic system as such is only concerned that no unit of right be affected, and not with judging human motivation. It rejects, therefore, any progress attained against the principles of right, even at the expense of economic development. This means that the system is not amoral, since private property is deemed good not because it is productive but because it is ethical. For this reason, the system opposes expropriating unproductive properties, allowing that—in exchange for adequate compensation—only when it is morally justified because it constitutes a functional organic social priority, as it would happen if a basic level of human fulfillment for a significant social sector depended on the exploitation of those properties. But extending political morality to the humanistic sphere not only is anti-libertarian: it defeats the very notion of morality as well. Now that the doctrinal foundation of the system has been established, we will devote this chapter to put in place certain misunderstood aspects of its praxis, which should prove very much worth our while because, under equal conditions, a system which produces less for everyone, besides being anti-practical, must certainly suffer from anti-motivational ethical flaws. To begin with, the owners of enterprises will prosper much more when their products reach everyone and everyone can afford them. The opposite would not promote the expansion of the economy either: a few rich can only buy a few cars and a few houses. The presence of marginated sectors of the population may benefit some firms, but not the enterprise in general. True, not

everyone can get certain products, but in capitalism the ownership of scarce products is determined, through the market process, by merit. As we have seen, any other method of allocation would lack objective sources of right. Modern economics has sufficiently demonstrated the goodness of such a thing, among other reasons because it prevents the deterioration of a good through excessive use and because it increases the odds that it will end up in the best possible hands, as well as because it promotes an increase in its production due to the high prices scarce goods usually attain in the marketplace.

There is too much prejudice in the appreciation of the real worth of wealth, luxury, profit and accumulation for man. Owning more than is necessary is said to be unethical, but what is necessary is not clearly spelled out. Truly, subsistence requires very little, and if that were all men should strive for, it would inevitably result in general poverty. Certainly airplanes, automobiles and buildings are not necessary. It would be better to destroy them, following the above reasoning. But since that would actually be madness, it is said that automobiles, highways, and all other material goods are worth having in our times because it would otherwise be impossible to function. Agreed, but this thought is a necessary corollary for those of us who believe in material progress as an end important in itself. Those who think otherwise can neither accept the age we live in as beneficial, nor use the needs of the age to justify the existence of scientific and technological developments. It would be better to go back to the times when subsistence agriculture constituted the only advance, and then we would have fewer needs.

We saw earlier that needs are best conceived of in relation to a function, and since an enterprise needs profits in order to function properly, the search for these constitutes an accepted capitalist praxis. We have also analyzed the legal and ethical justifications of profit. It may simply mean a relocation of monetary resources but, as a general phenomenon—abstracting such factors as variations in the money supply and similar others—it is an indicator. It tells us that the market economy is working, that enterprises are producing and growing, and that the country is prospering. Profit is in no way anti-ethical in itself. It is mundane, and only for that reason may religions

oppose it; we will analyze this later. But asserting that profit is the motive of capitalist philosophy and economics is narrowminded: the end of capitalism is the fulfillment of each and every individual.

The capitalist system is frequently (and maliciously) described as treating wealth (or money) as an end. But what kind of accusation is this? People have always fought poverty! Why else struggle for better salaries? Why work? How does violating the right to property lead to violence? Why was trade a fact of primitive times? And what do we mean when we speak of injustice? There is a simple answer to all of these questions, and it may be summed up in one word: wealth. One would need to be practically clueless in order to deem wealth as unimportant or to moralize against it. In capitalism, as Ayn Rand perceives, money is (paradigmatically) considered a symbol of honor, since it is seen as the creation of each man according to his abilities. Money must be created before it can be stolen, and it fulfills its complete social function only when it produces for its creator.¹ This does not contradict higher ethical parameters which command that self-fulfillment be attained also with our peers, and not through sheer self-centered pursuits. When money appeared on the scene, the systematization and large-scale occurrence of two important phenomena became possible: wages (remuneration through payrolls, for example) and accumulation. Locke said that there was a time when accumulation would have been dishonest because it would have been wasted. This ceased to be a problem when money was introduced: it was impervious to the passage of time, and it could be assigned an exchange rate.² It appeared in primitive societies when objects which were assigned rates of exchange began to circulate, and has been used to maximum advantage by modern capitalism. Money facilitated the booming growth of commerce, and favored the rise of the large corporation.

Capitalism is quintessentially opposed to waste. When something still usable by others is discarded, it is because it is anti-economical, a waste of time and stagnating to continue to make use of it. Of course, we have to consider phenomena such as advertising and squandering; the first, although it may favor the utilization of bad products, is a far less dan-

gerous freedom than the possibility of making propaganda for some political ideologies and platforms. On the matter of squandering, it may certainly impoverish the squanderer, but whether the money goes into the hands of the wine seller who deals in expensive wines or stays in the pocket of the buyer is irrelevant to society. The following section analyzes the contention that the production of articles of beauty and/or high quality constitutes a squandering of resources. The system aims at making the use of money a matter of individual judgment. Only the prudish say that they are above matters of property, and that they are concerned exclusively with higher things beyond the material plane. The right to property is a lofty concept, relating to more than just a juridical tool to achieve orderly access to material goods, and involving aspects directly linked to justice, the spiritual, and the divine, if we wish to. There has never been a distinguished mystic, wizard, philosopher or priest, nor a prophet or *avatar*, who, while perhaps divesting himself of his property, did not defend it as a right.

Man becomes objectified not because of the system and its pragmatism, but because of his ignorance: because he loses sight of the profound values of his humanness and trades them for superficial gains. But this has been happening from the time man appeared on the earth. In modern times, man may find it more difficult under the system to identify with his basic nature. This is indirectly related to the great abundance of products available. But the blame resides in him, as demonstrated by the not negligible number of those who have found it possible to remain true to themselves. And what shall we say of communism, which objectifies man politically? In any case, if one is going to choose a spiritual vacuum, better to become objectified by than to be deprived of possessions. The system also values, and not only for practical reasons, other activities not considered productive in the sense of industrial or farming enterprises. Financial, commercial and other such activities are productive in a different sense, and are a necessary complement to the first. The same principles apply to all. No society which fails to fully recognize the contribution of each of its members can obtain the best results. An individual may stand out as a result of his self-esteem, but the efficiency

of the group cannot be optimal, except when individuals voluntarily surrender their rights.

Luxuries

The production of luxuries is largely destined to satisfy the need of man to surround himself with beautiful things. This phenomenon was already present in primitive societies, where jewelry and ornaments were certainly not the product of labor destined to satisfy basic survival needs. Something that is superior in quality to what is strictly needed to fulfill a function may also be considered a luxury. Its lack of universal availability is not fundamentally due to its high cost, but to its steady scarcity: the higher its level, the less it is available no matter how much we are willing to pay for it. Those who charge capitalism with generating needs and dependence on luxuries utter empty phrases. Luxuries are merely an expression of the general wealth created by the system. The needs they refer to are particular dispositions, and their generation often reflects nothing more than the acquisition of aesthetic values which serve as incentives for the creation of beauty. A luxury object is but an inert praxis of the value beauty.

Competition leads to the improvement of products, giving rise to luxuries which usually find only a reduced market at first. When their market expands later, the byproducts are an enlarged labor force, increased opportunities, intermediate products, technological development, a growing substructure, and others. That is the result when better automobiles are built, not when there is a single mediocre make. Consumer goods in capitalist society are produced according to the demand and the profitability of production; that is why other things are made besides jewels. Especially when a minimum social opportunity is guaranteed, the production of luxury items gives rise to an expansive economic trend—resulting in the lowering of the price of previous models—which is absent in systems of economic equalization, where resources assigned outside of market mechanisms are exhausted in a less creative production-consumption cycle. There is no greater spur for the creation of a better-qualified work force than the desire to continually improve products. All of the above explains why pro-

ducing luxuries for a few creates benefits for all. If luxuries were anti-ethical, a middle-class citizen buying any reasonably good pair of shoes anywhere in the world would be committing an immoral act, if we take into account that people still go around in shoddy footwear in many developing countries. I agree, however, that the rich, individuals as well as countries, have the inescapable duty to contribute—yet not to the point where they get themselves into a state of stagnation or of lack of fulfillment—to alleviate the misery which overwhelms more than half of humanity.

Soft loans, lower taxes, and similar measures may be used in an appropriate manner towards subsidizing the production of basic survival goods, when the mechanisms of the free market cannot offer those goods to the community at a reasonable price. This situation cannot be attributed lightly to injustice, since as well as a manipulation of the market may be at play, it may also be due to circumstances in which basic survival goods have actually become scarce, or more often, unprofitable to produce locally. Now then, importing luxuries in an emergency situation is an anti-organic allocation of vital resources. But channeling the entire working force to the production of basic goods is justifiable only in extreme cases. Under normal circumstances—as a result of the activation of the abovementioned expansive economic cycle—the poor stand only to benefit when their work force is utilized to build, for example, luxury dwellings, since all that is consumed is a labor force that is daily restored, and the resources of the land, which are merely transformed and then integrated into a new economic unit. Abundant and quality production requires dedication, among other virtues. Thus, the production of a luxury is a triumph and a matter of pride. Obviously, the ability of a society to create luxuries does not necessarily signify its economic success, but a society incapable of creating them has certainly failed.

Commerce

On this matter, the accusations thicken the air. Evidently, fraud and usury are anti-ethical phenomena, but the detractors of capitalism identify them with events which are natural and useful: the phenomenon of trade, and the use of money as a

resource. In this work, we refer to usury in its negative ethical connotation, not as a synonym for commercial interest. Interchange is the most rational form to obtain the products of others. Adam Smith illustrated us how man originally met his own needs but later came to depend on others and their production. We may assume, then—unless everything ends up in a common fund, the anti-market paradigmatic praxis—that in order to obtain what others produce, man must conceive of the kind of exchange system which is said to characterize the capitalist system. Smith showed that what man needs from others he purchases with his production, or, which is the same, the price of his products.³ Thus, by selling, everyone is merely exchanging his production, which in some cases may be pure labor. This is typically how the workingman obtains what others produce. And yet some dare call this inane.

When private property appears, communist and socialist theorists say, trade can occur only by selling or *alienating* ourselves from our production, and the limited private activity of each individual enters into conflict with the work of the social aggregate. This tends to conceive dialectics at a sub-emergent level of sorts, for even at pre-institutional stages there is a differentiation between private and collective activities. At the emergent level, dialectics is indeed a fact given that there is a *polar pull* with respect to the objects of right. But, in the capitalist system, the natural organicity of society is kept and conflict is transcended precisely through the particularization of right, while the communist structure implies a contradiction between the collectivizing power and the objects of usurpation. Now then, how is it that alienation applies to individual but not to collective trade? What is more, it is good that we can divest ourselves of our products: that is the proof that they are truly ours. Commerce is a logical necessity and a direct consequence of the right to property, and has been an important element of good social relations through the ages and cultures. When legitimate—that is, when it complies with the principles of practical reasonableness in their contextual expressions—commercial activity should dignify traders through the achievement of mutual fulfillment in freedom. And their personal achievement, now in regard not to the legal but to the economic realm, accrues to the common good (as any evalua-

tion will show which takes into account the relevant global effects on society). It serves no purpose to argue that products which are needed internally are sometimes exported: that can be corrected when it becomes inconvenient without hindering trade itself. The search for a foreign market (for products which are not, strictly speaking, surplus) is generally in response to more favorable pricing in such a market. What is obtained in return, however, may also be of internal benefit.

Marx cites Aristotle, who condemns profit for being based not on nature but on reciprocal fraud and circulation. Aristotle terms this usury because money itself is the origin of acquisition rather than serving only as a means of exchange. The obvious fact is that acquisition through money takes place through an exchange; and since mutual benefit (bilateral profit) is to be expected, there is no reason to see that as exploitation of all by all or as everyone cheating everyone else. Money represents remunerated merit; thus, it is not really itself but a product of labor what is exchanged. Fraud exists only when one of the parties to the contract abides by the rules of the game, and the other does not. To Aristotle, certain uses of money were artificial. However, things acquire new uses in time, and we do not dismiss these as long as they are legitimate.⁴

Money eventually came to be used as a means of distribution, investment, financing and accumulation according to the needs and the spirit of the time, although at bottom its usefulness has always rested on the fact that it can be exchanged for something else. Barter implies the possibility of unequal exchange and the possibility that the value of some goods may increase in relation to others. This fact does not change in the least when money or any other means of exchange enters the picture. If something which used to be traded for something else at the rate of an equal number of units now increases its value and is traded for three times as many units of the devalued item, that is the same thing as having to pay three times as much money in order to obtain the same number of units of the higher-valued item. Now then, an exorbitant rise in the cost of basic goods may impoverish vulnerable sectors of the population. The state is then called to determine (on the basis of a collective sense of justice) whether the cause lies in an exceptional economic situation such as a natural calamity, or

whether an unfair-advantage trade mechanism (not justified by the play of supply and demand and intent on exploitation), such as false shortage, is at play.

The interest money earns when it is placed at the disposition of another constitutes usury only when the borrower is defenseless before the lender and is forced to accept unreasonable terms, although we must also take into account what the borrower might have done, or failed to do, as to find himself in such a situation. A mortgage loan might be a means for the inventor to keep his invention while bringing it to reality without having to sell it to others. Credit, so much maligned, constitutes a commercial instrument which may enable a dream to come true or a business to survive under precarious conditions, while guaranteeing the lender the return of his resources. Under capitalism, all of the uses of money become available to the fullest praxical extent.

The sale of labor

Capitalist countries are accused of forcing the worker to sell his labor. Everyone sells his labor; the only difference is that workers are paid in what is generally known as the labor market, while entrepreneurs—which in a special way actually sell their past labor to workers—are paid through the commodities market. We honor work by paying for it. The money received in exchange is the most palpable evidence and the most objective measure of how much we value it. Where is work less valued than under socialism? There, work is also treated as merchandise, except that an arbitrary price is imposed on it. As in all the aspects we are dealing with, what is implicit here is a veiled negation of the right to property. There are no ethical objections to assigning work a trade value, since it is not implied that the level of fulfillment that the worker attains does not correspond to his contribution. How else are we to value work in practice if not with tangible recognition? Shall we applaud every worker at the beginning and end of every working day? Shall we reward him with trite words of appreciation? In the end, all attempts to humanize labor revert to the basics: higher pay. And when this is demanded, is that not treating work as merchandise?

Some aspects of free competition

No one is guaranteed a position in capitalist societies. The more able displace the less able; therein lies the success of the system of competition. The old shopkeeper who resents the opening of a big supermarket next door has no right to demand that everyone buy from him. Otherwise people would have no choice and they would be dependent on his wares. If he is displaced by the big firm, he may seek employment, a different location or even a different line of business. Even more important, he may compete with the big supermarket by making his store into a specialty shop for instance. Competition ruins some, but in the context of natural calamity, and those who lose out in one field of competition may find greater opportunities in another. Otherwise, almost everyone would be broke. And in capitalist countries, many who are ruined by competition have separate patrimonies to resort to. It is here that numbers are useful in determining which system works best. The state may assign resources to those—particularly groups—who are the victims of impossible to overcome misfortunes or circumstances, so the furtherance of the common good is not neglected. However, except in cases of utter and widespread calamity, the best means to this objective is to provide the necessary resources in the form of a loan, in order to preserve the soundness of the system and not to reward laziness or create unfair-advantage competition.

Now then, allocation simply on the basis of a greater capacity to utilize a means of production does not, as we have seen, provide a source of right which justifies such allocation. Seemingly practical, such allocation is in general anti-praxical. Under nomocratic systems, on the other hand, resources often go to the highest bidder. These may not always place them in the absolute best hands, but it certainly does so in the best that can be found within an objective framework of right. In other words, in a right-bound economy, free competition is implemented on the basis of resources created previously by each unit of right. When the state begins to assign positions and resources (which, except for certain special fields and situations, goes beyond its attributions), these resources are less likely to find optimal utilization: that is

opposed to natural selection, which always operates through a competition of sorts.

On the matter of employment, while a full level is a practical goal, such a goal should not be attained by forcing enterprises to guarantee unnecessary jobs and thus making those enterprises inefficient. In contrast, one of the greatest successes of free competition is the achievement of maximum employment levels compatible with the maximum business efficiency. Since any gap between salary levels and the product of labor would attract investors looking for profits, competition in the labor market tends to close that gap. But since the existence of workers helpless against a unipolar determination of wages constitutes a better way to make profits, the above holds only if there is a real and effective competition among entrepreneurs. The truth is that supply and demand can only be balanced (in ideological terms) not through the price mechanism but on a ground of an *effective socio-mercantile power* comparable on both poles of the labor market. By that power I mean not a simple accounting of economic capacity, but the power which restricting or deferring a transaction and setting conditions have to prompt the acceptance of terms by the other side in a contractual relationship. In economic dynamics, the law of supply and demand relates fundamentally to the exercise of effective socio-mercantile powers. But being a negative correlate of need, that may depend heavily on the socio-economic condition of each side, and admits overriding specifications of ideological nature. Such powers have a legitimate sphere of influence which derive from man's attribution to decide the destiny of those goods he has created and those which belong to him as a biological being, such as his own working force. As a counterpart, the case which usually concerns the common good occurs when in the absence of an adequate effective socio-mercantile power of the labor force, the worker (who unlike the manager may lack other resources to meet his basic needs) might be forced to accept any work, no matter how taxing, if only to put food in his mouth. Full employment levels are meaningless here. Even the lowering of prices—an expected result of reduced labor costs—is not likely to compensate for low wages; everything can be

reduced to a simple equation on the shifting of resources. The profit motive may well lead to prefer a perhaps short-lived but sure gain now over venturing in the brighter yet distant future promised by integral development.

Economic freedom is a fundamentalist element of every culture, but so are the organic rights of the social body. Whenever we find instances of unregulated commerce of labor functioning adequately, we also find evidence of a sound economy or a potential constraint which safeguards the integral fulfillment of the community. This, however, is not to be understood as the total realization of the plans and dreams each individual may hope to crystallize from his possessions, skills or capabilities once he makes them the object of trade, since that may largely depend on the mercantile situation, as well as on the needs, powers, actions and entitlements of the other units of right.

A crucial advantage of capitalism is that it has abolished maximum limits. No restrictions, therefore, are set on excellent performance, as when, for example, the most capable are permitted to work on only a pre-established portion of the land. Individuals may be made to apply their creativity to something which they neither own nor are allowed to profit from, but this policy is exploitative and unlikely to create a positive attitude towards work. Some people are content with earning the same or less than others even though they contribute more. This corresponds to a different appreciation of life and must be voluntary for it to have any value. Imposing it is totalitarian, and may be effective and willingly accepted only in an alienated society. Status equalization leads to the same pitfall. There is no possibility, within any social system, that economic nuclear excellence be untranscending. This is the basis for the wellknown saying that making the rich richer makes the poor less poor. Once the honorable minimum has been fulfilled, outstanding individuals may come to possess crystal palaces without that implying an iota of injustice. Capitalist competition is not a game about winning and losing, but rather a term to designate the right that each and every one has to display his potentialities through the use of his mercantile tools. That is why recognizing acquisitive and administrative excellence—which in relevant economic terms

is, in the final instance, productive excellence—has come to be known as triumph.

* * *

Such phenomena as inflation and economic recession should not be, by themselves, cause for worry: what matters in the end is what each one can afford on what he has earned. Adequate means under inflation are far less onerous than poverty without it. The poorer nations are neither necessarily nor frequently those with higher rates of inflation. An understanding of these phenomena may be left to the economists. What is important is that their occurrence not necessarily or permanently affect the standard of living of a group, and that there be correcting or compensating mechanisms. In any case, all this relates less to a genuine capitalist praxis than to inadequate central bank policies.

It is true, as some economists point out, that variety, abundance and competition do not always lead to lower prices, at least not immediately. Equally, free competition cannot prevent the proliferation of those who make bad products or render poor service. But that is due to the anonymity characteristic of the big city, where such people find it easier to get away with murder.⁵ What matters is that alternatives exist, although the right is to choose among the existing ones, not necessarily that they are available. The American example suffices to demonstrate that the general welfare is best attainable outside of the socialist concept of the common good. Until recently, poverty could be considered an unavoidable part of the fabric of society, but modern capitalism has helped to change that view.

Natural risks

The preceding discussion (and that of earlier chapters) shows that all the abovementioned pragmatic mechanisms and their consequences fit the natural psychological disposition of man, which is why capitalism has always received spontaneous acceptance and its principles do not have to be imposed on any normal man. As is to be expected, there are

risks along with the advantages offered by the capitalist system and by free competition, some of which have already been mentioned. Mostly, the risks are due to erroneous interpretation of the freedom promoted by the system. Friedman says that, under capitalism, economically powerful individuals are able to oppose some government policies, as when communist writers in the US were protected from the power of the state and of certain groups. This is, if you will, an act of human solidarity and, in the last resort, a defense of individualism. But promoting communism as a whole would lead to the cover-up of spies, jeopardize national security, and promote a way of life opposed to freedom. This is not what Friedman is talking about—he wants to stress the libertarian function of property—for it would endanger the very liberty he wishes to defend.⁶ Freedom against freedom cannot exist.

Business activities resulting in harm, often unintended, to the consumer may constitute *negative externalities* which, in general, an adequate definition of certain rights to property should resolve in the courtrooms. On the other hand, things such as a generalized damage to the environment or to a community must be dealt by means of a global corrective state planning in order to avoid the influence of mercantilist interests. Privatizing the so-called global resources without any form of control does not guarantee that these will be preserved, since the price system—or sheer ignorance—may indicate at a given moment that the most adequate course of action (as judged by expected profits) is their quick utilization without their renewal. Patently, the state intervention must not entail any sort of usurpation nor any undue enhancement of its power or the benefit of vested interests. There are also facts within capitalism which are not integral to the system itself, but which are accepted as belonging to the sphere of personal moral judgment because, like gambling and the lottery, they do not violate rights. These activities may help fund projects in the public interest, but they, like any vices, must not be stimulated: the harmful consequences usually surpass the benefits. Economic speculation is different because it tends to place resources in good hands. It implies that both good and bad business deals may occur.

But if the opportunities are similar for all, the phenomenon of speculative gain usually takes place as a result of planning and long-term projections. Let us remember, before proceeding further, that speculation is not limited to stock market-type transactions.

I think most men can agree on what it is fair profit and a correct business transaction, as opposed to taking unfair advantage. To wit, this illustration: extensive landholdings were offered for sale some decades ago in El Salvador at truly bargain prices for those who could envision their potential. Their relatively far-off location, however, as well as the lack of access roads, and other factors such as the infinitesimal price of agricultural produce, made their exchange value very low. But it was difficult to find buyers: they needed resources to develop the land and they might have to go into debt and risk losing their investment. Fortunes were made this way, however, and visionary individuals took advantage in an ethical manner of the opportunity placed before them. When a vision of the future animates a good deal, talent and ability supposedly take over. The previous owner of the abovementioned land would probably not have put it to good use, which only portends poverty. On the contrary, when a transaction proves profitable for the new owner, all of society benefits from his triumph. However, we cannot expect each new owner of an enterprise to offer more and better job opportunities. Otherwise we should equally demand each new employee to perform more and better than the last. What we can expect is better results overall, and it can even be empirically demonstrated that freedom of contract achieves that, when the circumstances are even. Let us note in passing that nobody speaks of redressing such *positive externalities*.

As we just said, a legitimate transaction may end up affecting third persons, without violating their rights, as for instance if a farm employing one hundred campesinos were to be sold and the new owner intended to put the land to other uses, requiring only ten of the hundred. That would be tantamount to a natural calamity, which we should not attempt to correct by forcing the new owner to return the farm to its previous use or keep all of the old labor force, which is the usual outcry in times of hardship. The truth is that each participant

can only control what he has created, and the farmworkers concerned only have the right to negotiate the sale of their labor, not the intended end of the property, since they are but circumstantial agents of the organization of the farm as a productive unit. Such *corrective* actions might be admissible (after fair compensation) only in extreme cases, and in the event that a genuine market failure can be ascertained. As the Acton and Mises schools have duly proved, this is most often due to state overregulation.

We must admit that there exist legal loopholes which allow some to evade their responsibilities toward others—corporate instead of personal liability, for example—loopholes which themselves have originated as a means of protection against undue legal claims. This is one of those grey areas which a praxical deregulation should eliminate. And then there are the inevitable cases of taking unfair advantage of the misfortune of others. Barring extreme intervention on private life, they are unavoidable, but there are legal resources and appropriate correcting mechanisms to protect the helpless within the system, and a wealth of opportunities and alternatives more than compensates for that situation, as evidenced by the high standard of living attained by a majority of the population. When unfair-advantage trade mechanisms are sort of institutionalized through the market, the state can enforce a praxical re-institutionalization. And when usurious practices in times of crisis proliferate, the state may, through the provision of basic services for example, reduce the vulnerability of patrimonies to usury. High rates on borrowed money can occur as a result of a hot economy. But while this is due to a natural generalized high-expectancy demand, usury distorts the normal demand-offer relationship by targeting sheer need lacking in effective socio-mercantile power.

Capitalism, then, guarantees no one either wealth or a riskfree life. It merely offers the best practical alternative. Certain problems inherent to human nature are up to man (as an individual) to solve by acquiring ethical values. That also being an organic social need, it cannot be imposed: being forced to share, for example, teaches no one humanistic values, and entails sacrificing freedom and other rights.

Pseudo-problems

I would now like to refer to two particular matters. When Hayek analyzes the tendency towards totalitarianism, he says that in the democratic environment this tendency has three principal sources: the intellectuals, organized capital, and organized labor. Let us look at the part that corresponds to capital: Hayek fears that capital tends to give rise to monopolies, and that they may even have the support of organized labor since they offer better wages. They could, in this case, tend to form a kind of corporate society with autonomous states where the monopolies would rule. A sort of neo-feudalism, perhaps.⁷ Certainly that danger, although it may be real in practice, is avoidable in that monopolies do not (or must not) have political power. Precisely, blurring the distinction between economic and state powers increases the likelihood of monopolies. Economic power, however, is influential, and we might think that it could enable monopolies to bribe state officials and attempt thus to lead us into a kind of totalitarianism. I mean an economic one. To this respect, M. Friedman says that the monopolist has power, which raises the issue of "social responsibility". But on the other hand, forcing it to forget its interests in favor of socially desirable ends, the generalization of this doctrine would destroy a free society.

To Friedman, exchange is voluntary when there are practically equivalent alternatives, and alternatives are absent in monopolies, which effectively hinders freedom of exchange.⁸ I have never been able to see the problem. It is quite true that in some cases, when services or products are very much needed, monopolies may commit abuse by inflating prices. But it is also true that the state must be empowered to control them (as well as trusts) if we accept it as judge, representing us all. Where right is concerned, a trust is the same as a monopoly. Friedman says on the other hand, and without attempting to analyze the various types of monopolies or anything of the sort, technical aspects often make it much easier for a monopoly than for separate companies to provide better services. Competition must be stimulated in order to prevent price fixing, the hoarding of basic products and other problems, but if a monopoly manufactures a product so good and so reasonably

priced that no other is needed (and the public therefore rejects all other alternatives by not consuming other products), that monopoly is absolutely justified. Monopoly does not have to imply an imperfection in the market. We must keep in mind that one libertarian alternative is precisely to choose not to have an alternative. If there is no usurpation of a particular branch of productivity or services by the monopoly, the reduction of alternatives may be a matter of self-restraint by the consumer, or simply that the economy has run out of steam.

Now then, when we see abuses against the public interest in an institution we correct them in praxis, not deny the principles of the system. In certain cases, the state may enforce price limitations. In rare cases of extreme public need for a basic product, the state may appropriate the good for reasonable compensation. Price limitations do not necessarily prevent the establishment of welcome competition, which may be stimulated with such measures as tax exemption during the developmental period. But those measures must be temporary and limited, since a serious concern is that monopolies may arise under the umbrella of a protective and discriminatory legislation. Monopoly is an economic phenomenon like any other in the capitalist system, the product and (necessary and logical) consequence of free competition. By "necessary and logical," I do not mean unavoidable consequence in a fatalistic sense, but rather a doctrinal requirement of the mechanisms proper to the system. What is likely to take place is abundant competition. Save the cases of plain laissez-faireism, a monopoly may act coercively against consumers only where there is a tyranny of the right and the monopolists belong to the oligarchy—this is the best example of state-supported monopolies.

N. Branden explains that a monopoly cannot keep competitors out of the market by cutting prices and even taking losses on sales in order to raise prices again and recoup those losses after forcing the competition to go bankrupt. He postulates that low prices would attract new competitors to the market, who could price their products even lower since they would have no losses to recoup. It would be the monopoly which would be forced to go bankrupt.⁹ His explanation might be valid for a country enjoying at least a moderate degree of

development, for there the span between establishing the enterprise and beginning production is a less significant factor. But in most of the economically disadvantaged ones it may be difficult to find capital willing or able to risk investing against a monopoly. It is also difficult to rely on foreign competition in those countries. Thus, the monopoly may raise its prices and obtain enormous profits in a short time, before new competitors arise. Conditions (an economic crisis, for example) may also prevail which effectively impede the rise of competition. In the economies Branden refers to, the resources and alternatives on the demand side of the market may enable a good product to keep its consumers, and the day will come when the ex-monopoly will have to raise its prices rather than risk bankruptcy. It must be clear that here I am also referring to the situation where there are to-be or quasi monopolies facing economic units with very limited influence on a particular sector of the economy. It is true that small businesses find it hard to compete against massive advertising campaigns and many other factors. But wherever there are obstacles there are also solutions. An interesting mechanism is that of magazines which report to consumers on worthy alternatives and deserving small businesses. Taxation must not be misused against a monopoly nor must the latter become the object of discriminatory and coercive legislation contrary to the spirit of freedom. Too often we witness how a less efficient and more expensive service is created merely to break up a monopoly.¹⁰

Supercapitalism is the other matter, partly related to imperialism, as market mechanisms are said to become instruments of exploitation against purported colonies. It has become fashionable to speak of the imperialism of free trade, which argues that a capitalist country can dominate another through commerce without formally attacking its sovereignty. We only need to extrapolate from the social to the international in order to understand that what truth there may be in such assertions is in no way contained in capitalist principles. Exploitation is postulated merely because the differences between richer and poorer countries grow ever wider, but that has been happening for a long time between the Soviet Union and Cuba, and nobody ever called it exploitation. We will discuss all this in more detail later. Economic expansion generat-

ed by progress brings about as a natural consequence the search for new markets. Yet some see in that a maneuver either to alleviate diminishing incomes or to sell the surplus value to non-capitalist countries, as Rosa Luxemburg thought.¹¹ At bottom, these phenomena only mean an investment of resources in foreign lands, which in itself contains no imperialist or exploitative mechanism. Communists probably have to keep busy every day inventing new explanations for the vigorous survival of capitalism as well as new ways to benefit politically from underdevelopment in the Third World.

It has even been asserted that there is a tendency towards a capitalist state monopoly, which would both directly exploit the colonies and become militaristic in order to keep investing the surplus value in the arms industry. Idle words, those. Even if this was a fact, it would signal only a case of state gangsterism. The term supercapitalism may be used to mean the internationalization of local market processes, but not the incorporation of the state as a trading agent, which is closer to socialism, and may threaten independence. All of the mentioned pseudo-problems are found as real ones in the communist countries. The state monopoly of power, for example, is far more difficult to cope with there than are abuses in the most anarchic market. And that is just as true for imperialism, the cheating of labor, and other phenomena which arise in accordance with the ideology. We must recognize, however, that it is sometimes most difficult to determine where freedom ends and licentiousness begins.

Notes

¹Very little has been better said about money in this world that can compare with the famous speech by Francisco D'Anconia. It is absolutely must reading and may be found in *Atlas Shrugged* by Ayn Rand, Part Two, Chapter II. Signet New American Library, New York 1975.

²Locke, J., *Two Treatises of Government*, Second Treatise, Ch. V, pp.36-37 and 311-312. Cambridge, England, University Press 1970.

³Smith, A., *An Inquiry into the Nature and Causes of the Wealth of Nations* Introduction to Book Two, p.117. *Grandes libros del mundo occidental*, Encyclopedia Britannica 1952.

⁴Aristotle, *The Basic Works of Aristotle*, Politics, Book I, Ch. IX, pp.138-139, and Ch. X, p.141. Random House, New York 1966. This was the thinking of the great Greek philosopher about the art of wealth-building. But "artificial" is only a term to designate what has been created by man. It does

not by itself mean anti-natural nor does it make the works of man unnatural. Given that intellect is natural to the species, its fruits are equally so, provided they are within the boundaries of what is ethical and truly beneficial. Aristotle disparaged selling and trading as means to wealth-building, justifying trade only when it was a means to meet our necessities and was discontinued after that was achieved, as he asserted barbarians did. (Book I, Ch.VIII, p.138). But "necessary" and "sufficient" mean very different things to North Americans than they did to barbarians. There are no absolute criteria on these things, except in what touches the most basic matters of morality and right. Rather, these are concepts which depend entirely on what functions in each epoch. There is a need to prepare against scarcity and a need to make progress, and what is necessary in order to accomplish these ends is not preestablished. Strange arguments those of Aristotle, especially when on the other hand he justified the private ownership of slaves (although the use of the latter term in his time is not exactly what we are accustomed to).

⁵Fines are the capitalist praxis par excellence against this. But as their application often demands a taxing effort from the aggravated parties, some state regulation and overseeing seems in order here.

⁶Friedman, M., *Capitalism and Freedom*, Ch.I, p.20. The University of Chicago Press, Chicago 1982.

⁷In *The Constitution of Liberty*, Hayek asserts that a monopoly can only practice coercion in some extreme cases, as when it makes excessive demands in return for an indispensable product which it alone possesses (Coercion and the state, p.136). He also avers that as long as it is not the monopoly which places man in a disadvantageous situation where he has no alternative but to depend on its services, and as long as it is not its intention to force him to serve its purposes, the monopoly does not practice coercion even though its demands may be vexing. The disadvantageous situation of man and the effect on his freedom are the same as if they were the results of a natural calamity (p.137). In *The Road to Serfdom*, however, he expresses the concept of a tendency to totalitarianism on the part of organized capital.

⁸Friedman, M., *Ibid*, Ch. VIII, p. 120.

⁹Rand, A., *Capitalism: The Unknown Ideal*, Ch. V, Common fallacies about capitalism, Monopolies (by N. Branden), pp.73-74. Signet, New American Library, New York 1967.

¹⁰Many contemporary economists (E. Mansfield in his economic treatise, for example) praise the benefits of so-called perfect competition, a phenomenon that would take place in a market with an evenness of producers, with the consequent uniformity of all products in the same industry. Such a market, which in practice is only found partially in some modes of agricultural production, would also count on a large number of producers and consumers with immediate and total mobility of resources, with the creation of a horizontal demand curve. Traders, then, would no longer be able to influence prices, and would become price-takers in an impersonal market. Without attempting to preach on matters outside my expertise, it would be interesting to find out what would happen if we extrapolated from the case of specific markets to a global trade system.

Among the alleged advantages of perfect competition is that the cost of products to the consumer equals their marginal cost, and there are no advertising-related expenses, as opposed to what is the case in mono and oligopo-

listic competition. There is no absence of debate on this whole subject among either laymen or experts. Other economists, especially those of the Austrian and Chicago schools, are not guided by the tenets of perfect competition—since they presuppose an inexistent equilibrium—but by the tenets of the market process. And it often happens that a new variable—sometimes taken into consideration only after a theoretical model has been put into practice—totally modifies our conclusions. Now then, although in this model salaries and prices are still determined, at least up to the point I can foresee, by supply and demand, the only imaginable competition would be in different industries, because in the same one that would result from either differences in the cost of raw materials, indicating disparity on another level, which could only occur as long as a state of equilibrium had not been reached. A uniform market with optimal quality and efficiency would be desirable, of course, but that is the province of a utopian society at the pinnacle of its development more than the province of a market system as such. In previous stages, the natural differences between men are reflected in uneven productive efficiency and product quality, resulting in price differences and true competition. For various reasons, disparity of resources among them, these same differences do not allow for improvements to be generally adopted. Before a high degree of development is achieved, that can only occur through state intervention, by subsidizing some at the expense of others. And this is precisely where the danger lies in using utopian models to guide an economic system, with no consideration given to orthopraxis at each economic moment.

Were mercantile forces to balance spontaneously, and profit to disappear, that would be acceptable, but not in itself of social benefit. Some of the presumed advantages of perfect competition would seem instead to relate to its placing at the mentioned historical moment. And are agricultural markets, which could be considered as models of perfect competition, socially better than markets dominated by a few, such as the automobile industry? Besides, enterprises (especially monopolies) which engage in coercive maneuvers can be regulated through state intervention. Now then, I doubt the phenomenon of profit will ever disappear, because optimal production in every industry will always be analogical, and some industries will always be more highly valued than others, and it will not be possible for the entire labor force to enter them. This and the different kinds and qualities of labor within each industry will cause economic disparities which, ideologically, will be a sort of trans-industrial profit. Besides, profit will always exist in other areas. And since all of that fulfills right, it would also be of social benefit.

¹¹In this respect, Rosa Luxemburg conceived of a struggle of capital against the natural economy for placing the surplus value in non-capitalist markets, which some social strata would be. She confuses non-capitalist with not having a great deal of capital. What is non-capitalist in a capitalist economy may only be conceived on an ideological level or as some subcultural practice which denies individual right. In due time, it will become clear that surplus value is no more than capital created by the capitalist. Placing surplus value, then, is simply placing money or investing resources, something we have already discussed sufficiently. More details may be found in *La acumulación del capital*, especially Chapter XXVII, *La lucha contra la economía natural*. Editorial Grijalbo, Barcelona 1978.

CHAPTER IX

CAPITALISM AND SOCIALISM

Even though state mediation is often necessary, the ideal is that the parties to a contract determine the value of any economic activity on their own, under conditions of comparable effective socio-mercantile power, so that any agreement they achieve is considered equitable and therefore fosters a climate of peace. Today there is a tendency to accept an anti-concept which identifies the administration of justice with socialist measures. Capitalism is identified with the selfish pursuit of the individual good, and socialism with an idealistic quest for cooperation and the welfare of the group. In actuality, socialism is, above all, aparticularization. Although statism is always a feature of socialism, it may also occur within non-socialist schemes.

It is sheer calumny that under the capitalist system everything is wasted on superfluous articles while public needs are neglected. Any statistician can demonstrate that the basic needs of health, housing and education are better satisfied in the United States and West Germany than in the richest communist countries—which presumably live socialism at its fullest—and that most capital is reinvested. Demagogues will say, the state offers nothing, it is the people who pay. So what? Whether services are free or affordable makes no difference. In a collective economy, they say, all resources operate in the public sector and are available for education, defense and other matters without their being transferred there by means of taxation. But when the state is the sole owner of property, production is taxed directly practically at a rate of one hundred per

cent. The state then distributes at whim what has been taken away from producers, under the guise of wages and free services. As long as the amount is the same, it makes me neither richer nor poorer if whatever is taxed out of my production is termed a contribution to the common fund of the people. I would have to be crazy to prefer a collective economy which provides me with health, education and other services *for free*, plus ten dollars a month to spend on other things, over a free market economy which charges me one thousand dollars for those services, but allows me an income of twelve hundred dollars a month. One has to be impractical, confused or hypocritical, not moral, to do otherwise. Capitalism channels rationally the natural individualist disposition of man into social life. Private gain is not a lower ethical value than cooperation. Rather, they are not comparable in such an unqualified way. We cannot refer here to cooperation as the result of a humanist disposition, but as the result of particular economic undertakings organically considered.

From the time ages ago when man stopped living at the expense of nature and started working upon it, all human interaction in relation to sharing the production came to be determined in rational societies by the individual merits of each producer. Those imbued with socialist faith usually oppose the pragmatic point of view which holds that if the United States is wealthier than Great Britain, and the former developed under a capitalist system while the latter is only recently attempting to shake its rather socialist structure, we may postulate that capitalism works better than socialism. This is an oversimplification, of course, but at least the evidence points against postulating the opposite.

Accounting for the common labor

Save a few exceptions, no one can produce alone and isolated unless he can count on the resource of constitutive support contributed by society. In organic terms, if the whole of society did not protect the right to property over a certain piece of land, the individual could not hunt safely on it. Besides, the hunter relies on those who watch over the village so his home is safe when he returns. That is why he must share his production with the group. To borrow a concept from scholastic

economics, which fits quite well in our juridico-economic modes of civil society, the matter of (freely contracted) wages depends on *commutative justice* (that which regulates the relation between two people) while taxation is the concern of *distributive justice* (that which governs the relation between individuals and the state). The rationale underlying such a concept is found in the validation of the two great dialectical poles of society as subjects of right.

In a large society it is more difficult to appreciate how, for example, the security guard of a bank may contribute to the smooth operation of an automobile manufacturing plant, and yet they do. If those who guard the banks did not do their jobs and the banks were robbed, there would be no money to finance manufacturing plants. This example may be too direct and far from complete, but if we fill in the blanks the picture becomes clear: all of society is involved in the productive process—considered in its global aspect, of course, and not in relation to each specific item produced—from the politician and the soldier to the manufacturers themselves. Now then, if we refine what was said in chapter six, it should be apparent that the above does not refer to *constitutive support* but to specific labors which, although they are organically projected, they originate with the particular economic initiatives and take shape in the context of their customary mutual fulfillment, for which reasons their merit must be recognized through the market process. Thus, such support, which creates the state of right, holds as the main ideological basis for redistribution.

Group production is not characteristic of a collectivist system. It is the only way to produce in any society. But although each individual renders the same labor in generic terms, each one of them contributes differently to its function and development in the context of his particular contribution. That is why the recognition of individual right on the one hand and the need to redistribute the wealth through taxation on the other are both consistent with capitalist economics. Society places functional superstructures (institutions) from constitutive support at the service of the individual, and the individual must pay for that as long as society exists as a unit of right. Except in that it is a charge for financing the performance of organically demanded services (whose value cannot be the

object of mercantile negotiation), and that it may serve to compensate for the creation of socially significant values underappreciated in the market process, taxation would be immoral. Here I refer to an income tax on the productive cycle (including commerce and the rendering of private services), for most taxes are arbitrary enough. Although there is room for compromise here given the general legal role of society, the latter seems mainly entitled only to a share in increased wealth, which occurs paradigmatically only in productive activities. In the transfer of wealth through inheritance, for instance, the only productive action involved is that of the legal registration of such transfer, which only justifies taxing the attorneys' fees, the amount of wealth remaining even within the nucleus of right, which here is constituted by the will and those involved in its terms. The most important thing is to avoid an underhand usurpation through multi-level taxation. Otherwise we may start paying taxes for sleeping and for breathing. Also, real state and generative property (the means of production) must be free of such obligations since they have previously contributed their share to the common labor when taxes were paid on the money used to establish or acquire them, also with room for compromise on account of the first (communal) rights over the land.

The idea that taxes should be a voluntary payment to the state for services rendered, as Ayn Rand maintains in *The Virtue of Selfishness*, would end in the breach of contracts, where the injured party would not have recourse to a tribunal. It would mean the end of a state of right and the beginning of anarchy, or the need of an agreement to permit the rule of self-imposed justice as determined by agreement. I assume that is partly why the above author makes clear that voluntary financing of the government is the last in a series of measures, and would not be feasible today. She values the concept of administrative taxes (those which permit the state to function) only, not of redistributive ones, a somewhat obscure distinction since everything depends on just how far we stretch our idea of the function of the state. Besides, even though on the basis of biological reasons it would seem that individual labor is all there is, and that constitutive support is not a contribution but a simple presence, the state of right is not an accretive but an

integrative result: it remains constant no matter the number of formative units involved. That is, no one in particular can claim having created a part of it. Thus, its projection transcends any particular will. Moreover, whenever everyone must abide by a legal standard, it makes no sense to speak of dis-socialized individual labor. A society constituted only to guarantee free trade practices, would have no other standard of right than freedom of contract. This does not convey (nor is based on) a concept of society or the motive for its constitution on the basis of global furtherance, much less it exhausts the praxis of constitutive support. Unlike the particulars, the social dialectical pole cannot be fulfilled by the mere existence of liberties guaranteed by a state of right, thus demanding a share in the goods produced by the particulars. Common labor, then, is an organic phenomenon which projects back in organic, not mathematical equality. This is why, while everyone is assumed to render the same constitutive support, not everyone benefits from society's resources in the same manner. The above, however, does not violate juridical equality insofar as subsidies are equally accessible to all in the measure their provision is not limited to satisfying need, and include an assessment of the social merit and projection of the beneficiaries.

One alternative that seems attractive because it is susceptible of easy practical formulation, is state subsidizing of the demand for public services by means of tax-funded vouchers. The possibility of arbitrarily set fees is thus averted. Although the very right to self-fulfillment implies as much, individual freedom is preserved to invest beyond the amount subsidized in agencies of one's preference. On the other hand, and provided a constant amount of subsidizing resources, since demand is subsidized equally, allocating funds to those who have no need of them could mean a smaller amount available for those who do need them, and also an overall increase in taxes to finance such deficit, unless a sort of selective taxation is resorted to. And the need to give with the one hand and to take away with the other would only add to an already cumbersome bureaucracy. It would seem preferable in that case to limit access to the vouchers, and even better simply to demand evidence of financial need before granting free access to public services. Ascertaining the practicality and the relative worth

(the cost/benefit ratio) of this alternative would require a study beyond our expertise. Things are less complicated when it is a matter of subsidizing one single service—education is the usual model—since it becomes more feasible for the state to rearrange its fiscal resources. Still, reimbursing those whose fulfillment does not depend on it can be seen as one more legal loophole in a policy we will soon describe as right-wing. Such loopholes are not in themselves illegitimate, but they must be avoided if they become obstacles to the harmonious development of society. A redistributive policy based on tax-funded vouchers does not seem intrinsically just or unjust, and is less of ideological than of practical value.

In any case, the universal contribution implied in the constitution of a society must enable everyone to achieve a measure of human dignity, in whose absence no one would feel compelled to collaborate with others and constitute a political community. I am not defending here a contractual conception of right, just pointing out an obvious fact of social dynamics. Tribute is offered not just to guarantee free-trade practices, nor it means being unduly forced to support programs one does not want, as Misesian economists argue. Otherwise, and by extension, every particular, corporation, trade, guild, industry, ethnic group, province or region could demand their tribute to be invested as to fit their interests, or to be returned in benefits proportional to the amount paid, which makes the payment senseless. As we already mentioned in Chapter VI, taxpayers as isolated individuals do not hold rights over the resources that become common patrimony, which must be channeled so that society is developed organically, fostering the primary interests of the ethnos. And holistic realities cannot be fulfilled subject to any atomistic will within the totality. The complement to this would be to guarantee the freedom to achieve higher levels of personal fulfillment; absent this, many would not enter a political community either, at least not willingly. In general, any subsidizing practices must be limited to creating adequate conditions for members of society to demonstrate their talents in the market. If this is not done, the market may not be accessible (in a libertarian manner, free from unfair advantage) to everyone; if more than that is done, resources are diverted from a better economic use and

some are subsidized at the expense of the others. The three situations correspond respectively to the goals of nomocracy, oligarchy and socialism.

Now then, whether the wealth to be redistributed is demanded by the state or whether it is offered to the community in an act of collective solidarity is a matter of form, not spirit, in the sense that a social demand is always at play. In primitive societies, for example, some products (such as prey from the hunt) were often subject to the equivalent of a one hundred percent tax, although as a result of the need for survival, tribute was spontaneously offered. A tax voluntarily agreed to between individuals and the state constitutes a mismatch of parties and introduces a conflict between subsidiarity and a structure based on supply and demand. Therefore, just as a society demands from everyone the fulfillment of certain standards, and thus a support, it may not take away from anyone the organic enjoyment of benefits derived from such support. As we have said, even though formative support does not produce wealth by itself, a share of the production must accrue to it, for in its absence wealth could not be generated. Thus, for those who agreed to pay taxes, since their contribution would always have to go to benefit those who cannot, the end result would be practically the same as if payment had been demanded from them. We have come to assume that redistribution is tantamount to taking from some in order to give to others—since evidently someone is required to turn over money already in his hands, and since in the process of exchanging goods and services there has been a previous distribution in the market. Actually, taxes are deferred charges for collective labor, and redistribution is payment owed by the public treasury—I use the term redistribution, then, with that understanding. Even Nozick's notion of the minimal state implies an idea of abstract contributions, since it envisions providing everyone with taxfunded vouchers to finance a monopoly over the use of force—in other words, the state. The problem is that such vouchers can only be used to purchase from an ultraminimal state institution the protection everyone needs in order to ensure their market-related rights.* To Nozick, any state greater than the minimal one violates

*Nozick, R. *Anarchy, State, and Utopia*, pp.26-28. Basic Books, New York 1974.

human rights. Thus, other than financing a monopoly over the use of force, the proposed level of redistribution is limited to guaranteeing a situation where contracts can be freely entered into and adequately enforced, which does not exhaust, according to our criteria, the matter of justice.

Now then, the presence of unmet basic needs or huge economic differences does not in itself imply that some have failed to redistribute a part of their wealth which could best be utilized by others, as Finnis and other authors aver. Because obviously such wealth might have been put even to better uses—as it is in fact the usual case—than if it had been redistributed. More importantly, redistributing based on the better utilization of resources gives priority to condition over action, and is therefore contrary to right. The abovementioned situation may simply reflect a state of general calamity, or one of scant general creativity. In evaluating redistribution, then, we must carefully ponder what the group in general has done, or failed to do, in order to reach such a state. There is no formula which can extricate us from this dilemma; there is, however, a sense of justice which any clear mind is capable of discovering in every situation. There are, to be sure, emergencies and extreme circumstances in which a legal hierarchy of needs must be established, but concomitantly there are mechanisms of historical projection of right which insure that everyone eventually gets according to his contribution.

Taxation is not essential to the system, but if the providing functions of the state are taken over by the market—a process which can only be properly implemented in a quasi utopian society—a situation may develop where only a few may benefit from them. Only in a society of optimal productivity, employment and social security can the public sector be strictly limited to the first juridico-economic mode of civil society. On the other hand, subsidizing merely on the basis of need tends to favor mediocre and inefficient enterprises, which hurts the competition and keeps prices artificially high, among other consequences. But so can the free market hinder, and subsidies encourage, the full expression of initial or potential high creativity. I am not proposing here anything like a macro-distributing state, but rather the full and legitimate expression of its subsidizing function, although direct

donations to extra-governmental welfare organisms—for which a tax credit could be granted—may be an alternate way to redistribute wealth.¹

M. Friedman argues that simplifying tax collection (eliminating deductions, for example, except for some basic and necessary ones) would work better. All these laws merely motivate taxpayers to find legal loopholes. Friedman proposes a fixed tax of twenty three and a half percent, which would return to the government treasury as much money as was taxed in the US, at the progressive rates which prevailed at the time he wrote *Capitalism and Freedom*. Undoubtedly, his suggestion deserves a trial run. Although tithing seems to be the rule of nature, there is room for exceptions here. But in order to fall within what is necessary, rather than into what is arbitrary, the numbers do not suffice by themselves, and the amounts taxed must correspond to what is needed for achieving a balance between individuals and the community on the basis of the parameters of right we have repeatedly referred to. Now then, I am not sure that a proportional tax prevents the real or presumed disadvantages of a progressive one. Depending on the percent taxed, a graduated tax may turn out to be even less onerous than a proportional one for those with higher incomes. If everyone is taxed a high percentage of his net income, and this money is redistributed with demagogic purposes in mind, and in indirect ways to those with lower incomes, soon there will be the newly rich and the formerly so. In some societies, a progressive tax may be seen as a minor adaptational redistributive measure. People at the lower end of the scale find they have little left after paying for basic necessities, while at the other end fixed basic expenses take only a small portion of total income. And a small rise, such as the additional three and a half percent mentioned before,² might in some circumstances hurt the production of basic consumer goods and result onerous to people with low incomes.

Hayek may have the answer to arbitrary progression: placing a ceiling on the direct tax rate equal to that which the government takes out of the total national income.* This concept seems to me to be an excellent libertarian weapon, especially for the developed countries, where most government

**The Constitution of Liberty*, Ch. XX.

resources derive from the mid-and lower-income social strata, so even a minimal progression would allow the state to function properly. But in El Salvador, for instance, what the government takes out of the total national income seems to be small, considering that tax payers number only in the tens of thousands in a population of several million, a number which is hardly likely to increase given the meager income of the great majority. I would like to know whether financing the government in such conditions, Hayek's proposal would avoid the need for a big progression or a big differential on direct tax rates. It seems to me that tribute in most cases contains a self-regulatory mechanism for its rate. As long as the state is unable to confiscate the means of production or compete disloyally with private enterprises, it will have no alternative but to set the maximum rate according to what is functional at each economic moment. Otherwise increased risks may discourage investment, thus lowering rather than raising collected revenues.

Right-wing and left-wing

Right-wing and left-wing terminologies of political economics are useful but may be disorienting. We could conceive of right-wing political economics as favoring highly creative minority nuclei in order to encourage a better utilization of the resources. This must not be understood, then, as granting unearned privileges to the abovementioned minorities. It is, rather, a matter of stimulating the creative by providing them with tax shelters and by other measures as long as these prove to be practical measures to improve the general welfare of the group. We could interpret left-wing economics, in the nomocratic sense, as the opposite, tending to tax creative minorities more heavily (without curbing their rational expansion, as evaluated by what provides them the maximum practical social opportunity), as to achieve a higher rate of redistribution. Unfortunately, left-wing political economics often only aspires to achieving greater equality. Socialism is an example of such a mentality.

Right-wing thought is more akin to the dynamics of the system, although it must avoid hampering the growth of a

strong middle class. Applying graduated taxation might then seem a contradiction, but that actually depends on the tax rates themselves. On the other hand, a graduated tax may be rendered almost ineffectual when legislation allows large enterprises to benefit from extensive legal shelter. Both right-wing and left-wing modalities may be found in a capitalist economy, where policy depends up to a point on the functional needs of society. When the right-wing predominates, enterprises achieve larger profits with little additional initial benefit for the majorities. With the passing of time, however, reinvestment raises not only their standard of living through increased opportunities and development, but also the state revenues. Surely, a wider gap in earnings will also take place at this moment. This is due to the logical exponential appreciation of high creativity in times of general prosperity, and does not occur at the expense of any unit of right.

Right-wing policies are feasible in a developed country. In a poor one where there is a generalized lack of fulfillment, and the wealth-creating function of enterprises is uncertain, resorting to left-wing capitalist policies may be advisable. If this is not done, as we said in note one, the outcomes may well be real negative externalities such as malnutrition, stunted physical and intellectual growth, disease, vice, violence and criminality, all of them highly injurious to global development. In so doing, it is worthwhile remembering that, in general, entrepreneurs are not liable for a grim economic situation, but rather adverse circumstances and diverse social ills, and that left-wing economic policies should be adaptional and temporary lest socially unequal loads end up being imposed on the creative sector of the population. Nomocratic precepts demand that, should that happen, there be restitution, because no right must be satisfied at the expense of another. Since we are not dealing here with a simple loan, however, in cases of major catastrophes such restitution may need to fit the boundaries of practical reality, and may not be able to offer full compensation for such things as the impossibility of reinvestment, low interest rates and currency devaluation. In cases of this sort, we must be willing to share a measure of sacrifice—to be determined in each particular case taking into account the overall human impact of the losses as to keep the social lode

proportionally equal—with the others. This type of situation poses a difficult problem which can only be solved according to higher cultural parameters.

Now then, man tends to possess what he creates and obtains by himself *selfishly*, as when he grabs fruit from a tree or a place to sleep in a cave. If this phenomenon were left isolated, unlimited and considered apart from other natural human aspects, it would lead to conflict. But no natural phenomenon ever occurs in isolation: we would soon die if excretion did not follow ingestion, and that does not make eating harmful. Self-preference is a natural phenomenon, but others of the same type exist alongside, like his tendency to live in society and to conceive and apply laws, which permit man to live in peace. All interact in order to delimit the legal ground wherein he moves. Individual ownership, then, is allowed but organically regulated by the rights of others.

Phenomena like primitive collectivism can be readily understood through the need to fight adverse circumstances, although I am not reducing solidarity to adaptive behavior. An adaptational phenomenon most human societies have had to resort to (and still do) is delegating the application of justice to third persons, when conceptually the ideal is for man to apply justice on his own (in the manner the practice was followed in primitive societies, that is, put into effect by the institution of the family). Since certain adaptational measures are not one hundred percent in accord with the human spirit (as they do not permit its most excellent manifestations) even though they are adequate—and even necessary when they are practical—in a special historical situation, they must be set aside as soon as the adverse circumstances change; but here rises a considerable obstacle: convention. By the time one of those measures has become obsolete, much rain may have fallen, and society may be reluctant to abandon it since it has often adopted it as a traditional good. A society must be open-minded and without prejudice for it to be able to distinguish between what it must change and what it must keep. Exceptionally, sheer human solidarity can lead to a voluntarily accepted communal ownership; but adaptive left-wing economic measures (which everyone calls socialist) would actually be capitalist in the face of a specific need. It is very difficult

in our time to argue that we need to resort to collectivism. At most, the latter could be temporarily justified for a few areas of production when a market economy is unable to provide acceptable living standards or employment levels. Capitalist economic measures of the left are simply praxical measures needed sometimes to promote harmonious development of the social whole. The socialist tendency goes beyond that, and implies unwarranted state interventionism (in many cases attempting against freedom) in addition to excessive central planning, not just of economic but of social (and sometimes even private) life. We can accept that the ideal of every economic system is to provide the greatest wealth to the largest possible number of people at a given economic moment. But if that is not attempted within a legitimate framework of right, forced labor could be considered socially useful, and it could be implemented by the state as long as it fulfilled that ideal.

Large-scale production may proceed smoothly and prices may come down in a left-wing capitalist economic environment, but not in a climate of political instability, especially when there is talk of socialization. While the laborer worries only about the day, the industrialist is planning for the century. El Salvador could not be the exception: during Duarte's administration many chose to take their money abroad rather than invest it in enterprises which could be nationalized tomorrow. In order to correct injustice we do not need to satisfy a right at the expense of another. What is needed is a higher level of income redistribution—although not even this, to tell the truth, but rather a more adequate delimitation of the tax-paying sector—a realistic minimum wage system, and an adjustment period of austerity that provide immediate alleviation of basic needs for the poor and foster business growth at the same time. Thus, little by little, we may achieve the establishment of a full capitalist system. The reading of the articles by Rev. Robert A. Sirico, President of the Acton Institute, is of great help here: he has one of the most balanced insights in this matter. Basically, capitalism practices economic policies of the left in a contributory frame of mind, while socialism does so with a statist and anti-individualist mentality. And this may be the difference between freedom and slavery.

Usurping reward

Most of what needs to be said about the socialist ideology has been covered in previous sections, so here we will limit ourselves to analyzing some of the particulars. Socialism, its adherents contend, is a philosophy characterized by a central planning aimed to achieve the humanization of the economic system. We have to distinguish between two great types of socialism. The first one is installed when communists come into power, the so-called and the actual first stage of communism. The second one is socialism in a democracy, not entirely anti-libertarian in practice, probably because of obstacles placed by the culture. The confusion between these two types is usually due to the statist mentality which both share. Socialists and communists used to be historical allies, but they have since grown apart. And while today many socialists again identify with the communists, especially in the Third World, this is a historical outcome which is specific to every situation. Socialism in a democracy is neither installed by means of a revolution nor based on a dictatorship of the proletariat, and, if it is not successful, can be turned out of power at the polls. Thus, what socialists propose is a sort of statism by majority choice. Its aim, however, at least that of many socialists, is not the total and definitive abrogation of rights and freedoms, but to grant the public sector a larger sphere of action than it should have. This leads, among other things, to the emergence of state monopolies which, unlike the private ones, are not limited by political power but are instead bolstered by it.

Let us emphasize here only the fact that property is not merely a functional value or a subjective right, as Leon Duguit would say. It is an objective reality, much more related to ethics than to function, and to nature than to concept. The social duty par excellence of private property is to project towards the common good, which it does best by fulfilling the unit of right to which it belongs, and the social right par excellence over property is to conserve it for the individuals. Socialism does not claim to deny the right to property, but its orthopraxis, or its idea of the universal purpose of goods, leads to a usurpation of the second rights to it. In such a way, socialists alienate the common good from individuals, and they

place it in *the community*, a super-structure separate from the individuals which compose it. When we consider all individuals organically we do not make that mistake. Rather than being obligated to an abstract entity or to a group in itself, men are obligated to every one of their peers. Socialists believe that in affirming exclusively the group they do so for every one of its parts. As unit of right, however, the group is no more than one of such units present in a society. By taking the right of the group as universal, and by believing that right manifests in the parts automatically instead of qualifiedly, they commit all sorts of usurpation while proclaiming equality.

To avoid a too long elaboration, instead of quoting socialist scholars, I chose for this chapter to discuss just their classical tenets and humanistic concerns, except when it comes to Ghandi. Because his ideas are the paradigm of sublimized socialist dispositions, and still fall in the same contradictions. For example, he considers socialism to be synonymous with equality, where "no one is above anyone else." Marxists would endeavor to solve the "opposition between citizen's rights and the exigencies of class structured system."³ Although the bases and motivations of both positions are worlds apart, the results are unfortunately similar. Both lose sight of the fact that a class system is an expression of citizens' rights. If we were to follow the policy of Gandhi we would have to give everything out immediately, and whenever someone began to make progress and stand out from others we would have to stop and give everything out again until everyone was equal once more. Can this be called justice? Because society means not only consumers, but producers as well. Mahatma spoke of equalizing wages, and demanded a transfer of wealth (and not as a gesture of charity, but as an exigency of human justice) from those countries which had specifically worked to create and accumulate material goods to those which had not. What he proposes is no more and no less than a transnational welfare state.⁴

Everyone, he says, must work for the benefit of society, not for themselves. But if everyone works for everyone else, something of what they make belongs to me and something of what I make belongs to them. The end result is that I come to own something which others give me, and others come to own something which I give them. At the last turn of this wheel of

distribution—which we must understand not within the context of joint production and exchange practices, but in the sense of working to satisfy the needs of others and not our own—the outcome is the same as if we had all worked for ourselves. The advantage, in the latter case, is that we would all get what we had created and earned. This is the real meaning of “Thou shalt earn thy bread with the sweat of thy brow.”

Socialists also share with Marxists the notion that individual preferences are incompatible with rational social choice. As we have seen, the individual is commonly unable to overcome in a rational manner the social dialectical situations which confront him with others in daily life; but it does not follow from this that a rational social choice must deny individual rights. Gandhi justified equality of distribution by saying that it meant that each person should have no more than he needed to meet his material needs. By doing this, he subjects rational choice to certain humanistic concerns which fall outside the legal spheres, and gives precedence to condition over action, thus violating the second principle of nomocratic right and a basic rule of priority. And unless we equalize everyone at a low level, his definition is unacceptable because in itself it presupposes inequality. If we consider what some enterprises need in order to produce as they should, there will always be millionaires, and if everyone has his basic needs met, who should receive the excess wealth that has been produced? Were it not for those who produce more than the average there would not be anything to redistribute. Some people work almost exclusively for the achievement of material gains, while others predominantly seek spiritual goals. The former are condemned to live without faith, the latter constitute a special group which does not fear poverty. But the end of the ordinary man must be the full development of his capacities in every field.

These brief illustrations of the ideas of Gandhi show that Mahatma was that rare kind of socialist, the total socialist. Perhaps that is the explanation to the failure of radical modern socialist proposals, such as Guild Socialism or Syndicalism, which swings from demanding the abolition of the wage system—which would be achieved through a *decommodification* of human labor-power and social life—to

a workers' self-government—which entails taking over the industries by the democratic means.⁵ Such self-government, however, is only a tyranny of directive boards, a *selective multi-apartheidization* according to each one's line of work. The dismissal of the second principle of democratic right is obvious. And since not even the new middle class would accept absolute equality, socialists adopt the new terminology of greater equality which—besides taking away too much from the productive sector, and hindering brotherhood by competing with genuine charitable actions—leaves the crucial problem of statism unresolved. The only welfare-state measures I endorse relate to the care for abandoned children, and to pension or insurance systems for the unemployed or for the old (for their past contribution), when the prevailing salary levels do not allow saving for the future. Actually, most socialists adopt various socio-economic positions. A socialist in Western Europe is very different from one in the Third World. Most of the former actually possess a left-wing capitalist mentality, while the latter accept autonomy for some institutions such as the church and the university but are reluctant to recognize it for the institution of private enterprise. They argue that autonomy in the latter case leads to the emergence of monopolies, a pseudo-problem as we have seen.

Some accuse capitalists of being governed by the whim and whimsy of irresponsible individuals. But the occasions when this occurs are more than compensated by the individual creativity which is curbed under socialism. When there are alternatives, hoarding, for example, often results in placing the accumulated resources in the best hands at the right time, although there may be no use for them at a given moment. Still, when so required for the attainment of the common good, the state has the prerogative either of acquiring what has been hoarded—making fair payment for the goods acquired—or of taxing the product or the unused resource.

Some socialists claim to oppose the existence of economic classes only, and they ask themselves why must differences in merit be objectified in economic terms? Perhaps the best answer is another question, why not? But we must be wary of the connotations of words. To some, class brings to mind a divi-

sion offensive to human dignity, and a pejorative meaning in referring to inferior classes. In reality, the term refers to the natural organization of a society on the basis of the social acceptability of work. One outcome of a global central planning is the super-institutionalization of social mobility. That is why, as happens in capitalist societies, such organization must be spontaneous and arise from the initiative of the members of the community, much like a club. As soon as they come to power, many socialists start to exemplify the differences they claim to oppose. They recognize the merits of those who constitute *the new society*, but not the merits of those to whom they owe their motivation, envy.

The overall goal of bona fide socialists is to provide the benefits of a social safety net (most certainly a constitutional goal of society) for every member of the community. Such a goal is not alien to capitalists, except that they advocate offering only a minimum social opportunity. As we have said, this may include the provision of material subsidies, provided that an organic societal need justifies it, and the resources provided have undergone a praxical qualification of right. In general, the best way to provide such a safety net is by guaranteeing that no one is deprived of his lawful opportunity under a free exchange of labor. However, in order to avoid the decadence of the race—as in the case of widespread parental irresponsibility—the universal provision of certain services such as health care and education becomes a nomocratic praxical demand. Obviously, the benefits of the welfare state are attained by assigning resources to those who produce less than is needed to cover the cost of their own services, so this must avoid drawing resources away from those who for their creative work may end up with nothing beyond their own universal portion. The state, then, distributes illegitimately appropriated resources, and this ability to usurpate leads to its undue acquisition of power. The most crucial sphere of a genuine social benefit is of ethical character. We have already demonstrated the irrationality of a state of right based on need. It follows that, eventually, passive recipients must contribute also their particular labor toward the attainment of the common good.

Pseudo-humanitarian measures

As long as the resources utilized do not come from unbalanced budgets or onerous taxation, providing certain services under state auspices can be viewed as inferior nomocratic praxes. But obstructing private initiative from taking over is bound to lead to a diminished interest in improving the quality of life. With occasional exceptions the state is not the best administrator because—in the absence of a price system determined freely in the market by competition—it lacks the optimal sensory mechanism to guide it in the application of resources. Patently, bestowing selected private hands the privileges often granted to the economic undertakings by the state, is only a special structure of apingularization.

Centralization of economic planning is the socialist measure par excellence. Some are content with less radical planning. Organizing industry at the national level, means for them avoiding extremes of inequality. Probably including some form of control of the monetary and banking systems through some restraint like a gold standard, all that a society needs to plan centrally are fiscal and redistributive policies, within the parameters sufficiently discussed. Some organizational measures, such as urban planning, licensing requirements and the supervision of the compliance with contracts, are also acceptable if they do not go beyond the point where the generation of structural unfulfillments is prevented. Free interaction does not obligatorily need any *conscious social control* in order to work, because even if the parts pursue different or even opposite interests they must agree on a common territory of understanding and functionality. One form of such control is to hamper the right of enterprises to free association with the excuse of guaranteeing equal opportunities. But opportunities other than juridical and minimum social are actually privileges inconsistent with the legitimate ways of subsidiariness. The latter may benefit some social sectors selectively but in organic fashion, which finally promotes the common good. Nationalizing the means of production strengthens the state the most. The proposed reason for granting individuals control but not ownership is that property, being an institution, is not to be owned. This is a clear fault of

delimitation in the extension of the term, failing to discern between the juridical framework and organizations around property, and this as an object of right. Besides, in an institutional corps no one is banned from enjoying the fruits, benefits or rewards derived from institutional labor. Not all of them are supposed to become public goods, since they may accrue to individual labor. And, among other things, the practical issues: administrators are often poorly chosen, and abuses, favoritism and bad planning are rampant. Socialism thus makes optimal creativity impossible for individuals, and hinders large-scale industrial production the most: since their enterprises must operate planning far in advance, the risk of suffering statist measures increases.

The classical model of Third World socialist measures is the nationalization of the land. Perhaps nothing is more absurd than attempting to determine the good or bad distribution of the land by looking at figures on a piece of paper. The number of people in power is never great, and that never leads us to conclude that power is unfairly distributed. Figures are not the parameters to assess the merit of some and the unworthiness of others. Assuming dispossession of the land—based on the statistical fact that there are few owners today where yesterday there were many—is only appropriate when the land was lost through usurpation or forced trade. Great masses in the United States could otherwise be considered to have been dispossessed of their land, since very few are engaged in working it. He who relinquished his land by his own will and free from coercion has not been dispossessed. The right to own land is only a particular aspect of the right to property, and implies the freedom to compete for its ownership, keep it and enjoy its use. As long as just distribution of income prevails, nobody can claim to be deprived of the means for securing his sustenance or of opportunities simply because he does not own land. Where right is concerned, land is comparable to any other means of production, and when the constitutive goals of society have been fulfilled, not owing such means can be deleterious only through the play of circumstances or natural calamities. There is no rational basis for arguing that owning land is an indispensable prerequisite for attaining the common good, first, because the fact of being

born in the countryside does not in itself provide a source of right; second, because owning arable land is not a necessary condition for self-fulfillment; and third, because individual welfare is best attained through free trade, which includes the land. And above all, because when lawful, this is, by definition, extensible to the whole.

Being born or living in the country does not grant the right to own it, just as being born or living in the city does not grant ownership of its streets, buildings, or whatever good located there. Natural selection seeks and finds the most suitable owners of the land. Guaranteeing justice and the purity of the selection process is all that is necessary; the number of owners is determined by itself. In the animal kingdom, territorial limits are actually defined by the physical extension animals are able to defend and by the demands of their biological needs. In man, needs are extrapolated to the emergent level. It is impossible to infer from the principles of nomocratic right a rule that requires limiting property over the land based on extent of ownership, only that the benefits derived from its private holding also accrue to the common good. Taxation does not restrict the magnitude either, only imposes a rate of redistribution on what such property yields. Adequate distribution of the land does not have to mean increasing the number of owners, but it can stimulate smaller landholdings as a means of discovering more efficient landowners. The psychological need of the peasants for land ownership, especially strong in over populated eminently agricultural countries, must not be neglected, but without curbing free competition. Because even though we all have psychological needs of this kind, we cannot always fulfill them, just as there will never be enough power for those who only desire it but do not deserve it. The system offers numerous alternatives available to those who are left without land. In order to make resources available to the many so that talent can leap from potentiality to full manifestation—a goal which socialists profess to espouse—there is nothing better than the opportunities created by the market process. A few creative landowners will produce much more wealth for the social whole than thousands of small uncreative proprietors. Which of both situations is more likely to reflect the attainment of the common good then?

Private ownership of the land, says Bertrand Russell, finds justification only in the sword, and he supports it merely in order to keep thieves at bay. His inconsistency is plain to see: if he justifies action against thieves, he justifies right. Russell forgets that land, although not itself a product of human action, has been the recipient of plenty of sweat and toil, and too many historic and meritorious deeds bear upon it so as to allow free or equal access to it.⁶ Now then, when a group settles a piece of territory, it stakes its claim as a group because it is as such that members defend it from strangers. This characterizes the first type of right over the land, the collective right which defines a territorial state. This makes the land belong to everyone in the sense that no one can take a portion and split it from the group in order to form a separate state, and also in the sense that the activities carried out on the land must conform to the fundamental standard of right of the group. The second type of right over the land arises when parcels fall under the sphere of exclusive use and enjoyment of families as a function of their natural cellularity. A cave may be the property of the entire group; the spot where each one sleeps is individual property. The most common explanation for large landholdings seems to be precisely the trading of these ancestral appropriations and functional allotments, whose legitimacy is transferred to their trading and to the new owners and forms of ownership. Individual right to property within a group presents many variations which could be considered as third rights, such as the right of tenant farmers in the feudal system. It can be shown that, strictly, no one is deprived of land, at least not of third rights (or of a universal one, if we wish) to it. In fact, land is utilized for free to a minimal extent by every inhabitant of the planet without exception: for movement, rest, and other activities.

At the beginning, since almost everyone worked in agriculture or herding and the concept of commerce of the land neither existed nor was needed, everyone tended to own land or to use it for free. With the division of labor, that was no longer practical, and from then on, in the midst of a tangle of situations (legitimate and illegitimate) we have come to the circumstance which confronts us, where some own a great deal of land and others none at all. In ancient times, working the

land was viewed from a rather mystical perspective, surely a vestige of early telluric religions. And tilling was done for the purpose of immediate sustenance, resulting in a lack of accumulated resources. Commerce of the land favored the development of a new mentality; collective ownership of the land, although not alien by itself to that mentality, is far less motivational. Socialist measures tend to be more harmful the more underdevelopment there is, among other things because large landholdings are more easily managed in difficult times. On the other hand, if land is granted to the beneficiaries of a redistribution, free commerce will cause the land to become concentrated in a few capable hands and many will again have to work on it for a salary. The way to prevent that outcome is prohibiting land from being sold. This is the rule of thumb for the typical agrarian reforms in the Third World, and it leads to enormous contradictions: prohibiting the sale of the land keeps it away from those who want to work it, and forces it to remain in the hands of those who cannot make the best use of it, and who could possibly advance in other areas if only they could sell it. Or, otherwise, the land is sold or given to a commune which assigns it to others who do want it but who are not the ideal owners, economically speaking.

State-run cooperatives have the advantage that it is easier to provide them with technical and financial assistance. But the disadvantage is that members are tied to them and cannot make crucial decisions, and end up in deep debt with the state. Solutions won't come by until integral development is achieved. There is no use in handing over a small parcel of land to each person if adequate assistance and good soil conditions are absent. I believe that the problem could be ameliorated in part by legislating third rights over the land, such as the right of tenant farmers, or by creating a reserve of land for common use. Well planned, that could alleviate the campesinos' need of land without disrupting proper functioning. For instance, as long as a parcel were not included in the organized production of a private landholding—especially if the group or some sector needed it for the cultivation of some agricultural product essential to survival—a holder of third rights would be entitled to farm the idle land unimpeded in exchange for a reasonable payment of rent, or he could be

granted special credits for the cultivation of the abovementioned basic products. This a case neither of corporationism nor of mixed or co-managed enterprises, such as the socialists propose, because it does not deprive those who have the second rights over the land of overall control of the same—the right to sell it in its totality, for instance—and because no unqualified and permanent tenure is necessarily implied either for holders of third rights. Besides, it should be understood, these measures must be temporary, and applied only in cases of compelling necessity, and when for some special reason free competition over the land does not result in reasonable utilization of the latter. Expropriation on account of this, on the other hand, is almost equivalent to seizing any goods or the fruit of labor force which are not utilized to their maximum capacity. Socialists cling to the first right to property as representative of the rights of all as individuals. Thus denying the relevant dialectics, they fall into usurpation. The jurisdiction of the first right applies only to decisions regarding the abovementioned common ends for the property.

I have been unable to get a copy of *Treatise of Pure Economics*, by Professor M. Allais, winner of the 1988 Nobel Prize in Economics. But at the risk of prejudging, the abbreviated presentation in the newspaper article which contained this news left me little doubt that the principal thesis of the work is a defense of a statist measure, in this case the balance of prices. Such a measure is considered effective in preserving social welfare because it does not allow one agent to gain more profit without lowering the profit of another. This denies man the right to assert or to change his appreciations on the value of goods, which is the main cause for swings in profit levels. Balancing prices in freedom is the function of the market. Centrally enforced, it would favor mediocre producers and check the expansion of excellent ones by preventing their products from reaching attractive prices in the marketplace, resulting in a lowering in the quality of such products. I suppose that balancing prices must entail stabilizing the price differential of products with respect to each other. In turn, that must mean that if the demand for an outstanding product rose, its price could not, unless the others rose at the same pace. The conclusion seems to be that the distribution of a

product which is more desirable than others in its field would not take the route of free competition, but the route of luck and favoritism instead.

Socialists see as indicative of an ideal society that the price of products be equivalent to the cost of producing them, the so-called *social cost*. Unfortunately, the definition of this is very poor as it means the sum of the costs of production materials plus salaries paid, not taking into account in such costs much of what some give of themselves in the productive process—to wit, risks, creativity and care—which are the paradigmatic contributions of the capitalist. This omission is due to the fact that the owner of an enterprise is not expressly accorded a salary. But then his labor must be recognized in the market by the acceptability of his product as reflected by what consumers are willing to pay for it. That is what causes the alleged differential between the price of a product and its cost of production. Although in everyday market's dynamics the role of supply and demand seems to originate in a sort of macro-economic impersonal realm, we can always trace its roots to the (relative) economic sacrifice implied in the surrender of values that takes place at every instance of trading. In the last ideological analysis, the splits supply-demand and buyer-seller are synthesized by the concept *provider*, with all its connotations of right. Thus, absent special considerations of priority and subsidiariness, the play of supply and demand is the only mechanism to decide in juridical equality who gets a good or who gets it first. Other factors remaining equal, it seems most rational that the highest bidder get the product, since the sources of right are the same in every buyer and because the will of the seller, who will naturally take the best offer, is to be respected. Supply and demand represent economic correlates of polar wills over the products manifested through their effective socio-mercantile powers, and brought to a synthesis by contract, which has in turn an economic correlate in price. But since in socialism trading is a permission granted for practical reasons and not a right, it can be severely restricted or rendered meaningless by a pre-established standard of merit. Social cost is primarily an ideological notion. The socialist version excludes important spheres of creative labor from free trade, that is, from recognition. Thus, given that profit ends up

practically equated with countable-investment recuperation, orthopraxis will demand that all entrepreneurial shares be determined institutionally. This is the real reason, not the possibility of abuses, for nationalizing the means of production!

Other socialist measures such as nationalizing the banks, for example, simply politicize credit, as also happened in El Salvador. Under capitalism, when the demand for credit is not satisfied by the existing banks new ones are founded to meet it, allowing market mechanisms to make the necessary adjustments. Credit policies are the province of each individual bank. No bank should be forced to make loans it does not wish to make, only that it pay interest on what is deposited in its vaults. A banker is most useful to society not when he grants credit indiscriminately, but when he places the resources in the best hands. But under some special circumstances the state may open lines of credit to deserving sectors of the population, or it may create institutions to complement the work of private banks. Price (and other) controls usually bring about unemployment, decreased productivity and other imbalances, specially when subsidies and further controls become necessary to patch up the distortion of the economy. Price controls can only be justified in emergencies, or where the seller enjoys an impossible-to-balance coercive power over the buyers, that is, when his demands—usually due to lack of competition—become by themselves the cause of artificial unfulfillments, much the way we saw it at the beginning of chapter six.

Distribution in accordance to a set table of the value of labor is the heart of socialist ideology, but there is not in this context a global social need to measure for us what is valuable, but rather multiple and differing individual needs. In a free society, products are given not to society as a whole but to its economic units. This is precisely why the motto “Equal pay for equal work” is inconsistent with the first principle of nomocratic right. That violates the freedom of such units to demand what they deem a fair price for their labor or to expend their resources in a way they find wise and fulfilling, and thus aparticularizes them as subjects of right. Actually, the mentioned scale is only rarely used by socialists as the sole norm for distributing wealth, since what they really end up implementing is a mixed economy where such factors as supply and

demand must be taken into account in the mechanics of incorporating products into an exchange system. On the other hand, trying to comply with the mentioned table of value, subsidies must be called for.

Protectionist measures do not in general arise with a socialist mentality, but protecting inefficient producers means others will have to take on the expense: consumers, taxpayers and other producers. In some cases, however—such as when production costs are higher locally because of prevailing tax rates or salary levels, or because of certain unfavorable circumstances—allowing foreign imports free access to the local market may ruin local industry. It is not at all clear that lower prices—which may not even be lasting—would compensate for such a thing and for the subsequent loss of jobs. And if it proves impossible to revive local industry, we may find ourselves completely at the mercy of foreign interests or of the circumstances that may befall foreign producers—high export taxes or an inflationary process, for example—which may cancel the previous benefit of lower prices. Conversely, it may occur that excessive demands on the part of a particular native interest, usually a monopoly, may make local products less competitive abroad. A protectionist tariff here only impedes foreign competition from duly pushing the monopoly aside. But it is also conceivable that foreign providers might not be able or willing to expand their sphere of action, or were part of a *de facto* international trust through deals made under the table with their local counterparts. Global economies, although they may help, do not prevent by themselves unfair-advantage maneuvers. Finally, the establishment of foreign enterprises which displace the local ones also poses the question of protection. In addition to the previous thoughts, here we must also consider the possible expansion and betterment of the working force.

Certain quality controls—usually unnecessary when competition is strong—and environment-preserving measures are not exclusive of socialism either. But worldwide production planning or price controls of foodstuff or raw materials certainly is, and can only generate worldwide conflict when a commercial monopoly is imposed which may prove burdensome for many.

Occasionally, as in economic depressions, the state can establish enterprises to create employment, as long as these are later privatized—but not privileged—and efficient enough to expand the economy. Cramming them with workers, which modern economics would oppose based on the law of diminishing marginal returns—stating that there comes a moment when any extra input of labor (or of capital) fails to increase production as before—can only result in underemployment. This is the right to work which socialists offer.

Tyranny as praxis

The most undesirable consequence of socialism lies in the rise of a state which monopolizes all power. This tends to be so because even though some socialist schemes are intended to be put into practice by the people freely organized, in the absence of unanimity such a goal cannot be attained except through the agency of regulation *from above*. And given the main goal of any such schemes, aparcularization, the central power will tend to do away at least with crucial libertarian spheres of important institutions, which otherwise would serve as effective checking mechanisms against abuses of power. Of course, institutional autonomy must always abide by the established framework of right; otherwise what we have is a form of anarchy.

We must distinguish between political and economic power. The latter has a protective and libertarian function, and on the other hand it is not itself a source of abuse since it is separate from political power and limited by the power of others as a result of the same situation. We will now discuss potential dangers which are not fully manifested at present because the socialist countries live a sort of half-way capitalism or social market economy. Besides, socialism has tended to appear in relatively prosperous countries and is moderated by the founding libertarian sentiment and the political influence of Western democracies.

Once the individual is melded within the socialist group, he fails to develop fully as a person. Unbridled feelings of hostility against other groups often develop, justified by the prejudice that a collective vice is morally acceptable. Transnational

socialist cosmivision is a common phenomenon only when it comes to imposing its criteria. Capitalism, on the contrary, must recognize self-determination and the joint effort of the groups, for its cosmivision is based on the particularization of right at a universal level. Although it is inconceivable at present to do away with borders, that is the long-term trend of capitalism: crude nationalist and class sentiments are incompatible with the core of all individualist philosophy. The trend in socialism is towards totalitarianism, since central planning may end up invading other orders of life in addition to the properly economic ones. This is often done by progressively taking away from extragovernmental institutions their role of molding social conscience. Of course, there are centrally directed social schemes unrelated, at least in principle, to any socialist or statist framework, as the caste system of Hinduism. In such cases, the state is an instrument of higher designs, not the planner. More than five hundred thousand people marched and demonstrated against the attempt of the French government to eliminate private education. "La liberté ne se discute pas," read the placards. So the danger can be averted if the people maintain their libertarian vocation, demanding a limit to the legislative powers of the state.

Many believe, says Hayek, that transferring individual property to the state only transfers our power to it, as if we still had it. Nothing is less true. In reality, a new power has been created which is absent in a competitive society; and once it is created we are not far from slavery. Control of the means of production in a system of free competition is divided among so many that no one can have any power over us. In three words, the motto, *freedom through property*, tells us that coercion is better channeled through statist institutions than through a free market. In practice, the best safeguard against slavery is without a doubt the respect for the right to property.⁷ Reciprocal coercion may result from unrestricted expressions of the will, but this is alien to the capitalist notion of economic autonomy. Hayek is correct in asserting that it is desirable for the means of production to be in the hands of many, since that prevents anyone from controlling them and being able to practice coercion. He also illustrates rather well how, since that is neglected, socialism may lead to totalitarianism

through organized pressure groups.⁸ It is worth commenting, however, that extreme centralization of the means of production may well occur as a consequence of acquisitive, productive and administrative excellence. That in itself is consistent with the principles of nomocratic right, as we have seen in the case of monopolies. It is only when such means are in the hands of the state that they become integrated with the political power and thus part of a monopoly impossible to regulate.

Coercion includes anti-libertarian dependence. We are objects of coercion, according to Hayek's famous definition, when we are forced to act not for our own benefit but for that of others because our alternatives have been so manipulated that we have no choice but to select an evil. But there is no coercion when we are obligated to act in a certain manner in order to get something we want, as long as no one with the exception of nature has placed us in that situation—when we have to work in order to secure the means for our subsistence, for example. Hayek has proved how not even the biggest economic powers—within their own legitimate sphere of action, of course, taking into account what we have said about unfair-advantage trade—can exert coercion over others. Hayek has also delineated the legitimate applications of coercive actions by the state, one of which is precisely the prevention of coercion by some individuals over others.

Socialist institutions constitute a potentially serious threat to freedom precisely because the encroachments they make upon the latter are often progressive, so only a few realize how deprived they are of the right to pursue a rational plan of life. One problem is the lack of buying and selling of labor in a free and competitive market. All alternatives are blocked as a result, and the worker—whether he works in a nationalized manufacturing plant, or as member of a campesino cooperative—has no choice but to accept any wage and other policies imposed by state enterprises. What is more, the benefits accrued from such labor are not expected to redound in economic compensation for losing his shares when leaving the job. This is the outcome of conceiving the right of the group subsuming that of individuals. In establishing a common standard of self-fulfillment which neglects the existential uniqueness of each referent of moral action and of each subject of

right, a basic rule of practical reasonableness and the first principle of nomocratic right are both violated.

Let us consider now an example of how a measure seemingly in support of social conciliation, such as mandating by law the sale to workers of a portion of the shares of enterprises—flourishing ones, naturally—easily becomes anti-libertarian praxis. Assigning shares (or profit percentages) from the enterprise to the workers does not redistribute where it should. It does not necessarily give to those who produce or have a legitimate need, it does not place the money in the best hands, and it fosters discontent in those enterprises which are less able to distribute. Only the enterprise can decide if it benefits from a measure of this type as a functional policy. Such assignation forms groups of vested interests susceptible of being used against freedom. The same thing happens when, through laws regulatory of private life, free interaction is impeded and privileged groups are created which support the undue acquisition of power by the state.

Socialists, however, have invented a series of concepts tending to make of the state a judge with absolute powers to determine which property may be confiscated. To that effect, they resort to the slanted use of such terms as national wealth, social function of property, social interest, public value, and others. The worst thing is that they have succeeded in introducing that terminology to the political constitutions of modern democratic states in such a way that they may appropriate what they wish when they attain power, arbitrarily declaring confiscations and nationalizations for the relief of social needs. They define property as an abstract value or right whose content may vary for reasons of public need and social interest. But who must decide, and on the basis of what parameters, when and to what extent a public need demands the taking of private property? We cannot allow government to do that at whim, because judgment then tends heavily to depend on vested interests and not on the objective requirements of the situation. And who is to determine what constitutes a social interest? It should be obvious that the greatest public value and the best interest and social function of property is its protective role against coercion, which disappears when property is estranged from individuals. If we conceive of

individual property in absolute terms, within the context of nomocratic justice, that is, we hardly need to ask the preceding questions. Socialists are propotionalists, for they want to favor the greatest number of people possible. But proportionalism can be the parameter for allotments only in regard to the common patrimony, following our third rule of nomocratic priority.

He who is really knowing cannot be a socialist. The sensible man must embrace capitalism, the only political philosophy capable of fulfilling each and every social being. It can only fail (economically) when it is distorted, or prove temporarily unworkable in the face of extremely adverse circumstances. All its functional mechanisms (enterprise, the free market, and others) constitute a praxis entirely congruent with the exigencies of practical reason. Perhaps the socialist is no more than a dictator at bottom, and sometimes a neurotic who wishes to see his dreams of domination realized, as von Mises said in *The Omnipotent Government*. In truth, as the author points out, there is more than one socialism.⁹ Although there must be a basic structure in capitalism, just like there is one in every non-anarchical way of life, there is a free determination of the everyday contents of the social forms of the conscience. On the contrary, by assigning an arbitrary goal to history, socialism tends to produce conflicts. Socialists have reached the extreme of postulating an insulting and progress-halting standardization of needs, which does not exist even in the animal kingdom. Given its predominantly subjective character, need is for the most part incommensurable, thus being unsuitable as a parameter for the application of the principles of nomocratic right. On the contrary, capitalist society tends to be pluralistic. But this aspect needs clarification. For example, and despite such enlightened opinions as that of M. Novak—whose excellent book *The Spirit of Democratic Capitalism* unfortunately I received too late for further comment—pluralism does not prevent tyranny: socialism can be installed through voting. Nor independence of the economic, political and moral-cultural realms is a prerequisite for enjoying freedom: capitalism is holistic in the principles of right of its moral-cultural realm, their political guaranteeing by the state, and their immediate economic corollaries. Pluralism and independence at the substantive levels decharacterize any system.

Socialism tends to tyranny fundamentally because its principles of right are immoral.

Finally, I must again warn against being impressed by words. Socialism suggests collaboration; capitalism seems to connote the libertine use of money. For that reason, therefore, it would be better to use the term nomocracy for capitalist doctrine. This term expresses better the manifestation of integral communitarian spirit and praxis in the various aspects of social life, especially considering the clichés capitalists themselves use to define their goals. Individualist ideologies are basically correct, but their economic practices are not free from the possibility of coercive utilization. This tends to be avoided when an effective competition and a balanced socio-mercantile power exist, what I have called working capitalism or market economy. But ideologically, the libertarian structure appears only when the individuals are considered in their full socio-legal organicity.

One of the objects of this chapter has been to show that certain economic policies are not exclusively identified with either capitalism or socialism, and that it is rather the manner in which those measures are implemented which transforms them into tools for either usurpation (or coercion) or the administration of justice. It may be thought—on the basis of a lack of figures supporting our postulates—that we rely upon subjective foundational criteria. But it is precisely a subjective act to express the criteria concerning legitimacy on impressions about numerical terms. And it is illogical to define a moral reality as the state of right on the basis of a quantitative standard of social relationships. Numerical propositions on budgets, income tax rates, and so on are, of course, indispensable in daily life, but their validity (orthopraxis) can be assured only when a doctrinal criterion is fulfilled in each proposition. Thus, our main concern is to establish, or rather reaffirm, the (moral) doctrinal bases of natural capitalism. They are the ones which allow us to decide whether an equation balanced according to some economic criterion—as it would be the case of many greater equality proposals—is unbalanced in what concerns right, or whether an apparent imbalance—as it may well be the case of an unequal distribution of the land—actually signifies justice.

Those who support either the group or the individual to the exclusion of the other *resolve* issues easily: they need only deny one pole of right, which actually, in one way or another, ends up denying individual rights. Solutions which satisfy each and every one in generic and particular terms cannot be that simple. Recognizing the bipolar-affirmative nature of the political dynamics of society and validating its three principles or right, however, we can reject both socialism and (mercantilist) liberal capitalism, and identify the heart of fundamentalist capitalism, which would be a part of a rational normative universal suprasystem. Such a suprasystem (or nomocracy) dictates how freedom must be understood and practiced, and within the context of the achievement of the common good—in the praxical way demanded by each epoch and culture—it differentiates as well as integrates microcosmic and macrocosmic social labors in a synthesis ultimately based on justice. Thus, it fosters the most complete expression of the rights of each and every one, and molds itself in the essence of every ethical and natural system of life.

Notes

¹There are—without the slightest doubt—individuals and associations of inestimable value to the cause of freedom in the ranks of liberal capitalism. But there are also those who lean heavily toward hypostatizing practical rules of conduct, free trade and contract practices for the most part. On this basis, we must recognize that the socialist critique of liberal capitalism has its *raison d'être*. For those lacking in real effective socio-mercantile power, their free choice is only a theoretical possibility. Given all this, no compelling ideological reason is given to exclude the state as the agent of redistribution, as long as the utilized resources can be considered legitimate social patrimony, and a state monopoly is not legally enforced. The contrary argument is upheld on the basis of practical considerations (the abuse and poor planning of state investments, subsidies and credits in this case), and assert that private enterprise is more capable of detecting where it is better to utilize resources so that, over the long term, if these remain in its hands, more wealth will be produced which, reinvested, will best meet the needs of the group.

These are reasonable assertions. Even though private enterprise does not have a monopoly on good management, the often unlimited and unqualified access to resources that state enterprises enjoy is prone to inefficiency. On a related matter, politicizing credit (common under central financing) and reserving it for a clique (as private enterprise is wont to do) are two sides of the same coin. There is, of course, no right to credit, and the legal owner or depositary of resources has the right to place them as fit. But since thus many potentially good producers may be overlooked, the state may allocate

credit resources to those who truly deserve them, and are thus in a position to contribute to the advancement of society. But even if private financing put resources in the best hands, private investment may remain localized for too long because it seeks out the best markets first. It would not be unusual if private enterprise were not interested in the meager returns from investing in basic housing, health or education for laborers in underdeveloped countries, for example, given the poor economic circumstances of the projected beneficiaries. Thus, by the time business enterprises find such markets attractive and can effectively project themselves on a large scale, perhaps through offering insurance plans, labor may be in bad shape—an institutional delimitation of wages does not offer solution by itself—only able, in the short term, to contribute to the productive process with scant creativity, and social malaise may have appeared, resulting in the capital flight which is to be expected. This flight is further intensified by the concentration of wealth in the hands of certain individuals who thereby gain access to attractive international markets. It is much too easy, under these circumstances, for the general population to become impoverished.

Extreme monetarists even attempt to justify the above by arguing that capital flight still benefits the recipient of the resources, and that in the long term all mankind will benefit. I object to such reasoning: it would be unethical to produce disproportionate wealth for some groups—a metropolis would be a likely case—by at the same time causing increased peripheral poverty, for this violates the third principle of nomocratic right, especially when the immediate social cost is offensive to human dignity. Besides, the projected benefits for all mankind cannot be taken for granted in real life, and even if they could, they would probably come too late to matter in situations like the above. The argument could not be supported even if everyone were free to migrate to wherever resources were plentiful, partly for practical reasons—among them the possibility that immigrants may be discriminated against—and partly because (as we will see at the end of the book) it is contrary to natural law. The mercantilist argument supposes that the initial pattern of distribution is irrelevant as long as there is an increased productivity, for in this case reinvestments and increased public wealth, derived in part from taxation, will benefit everyone. But that depends, as we have said, on the type of such reinvestments, and above all, if they do not continue practices of exploitation. Besides, a public treasure capable of guarantee a minimum social opportunity, derives mostly from a large middle class, which is not to be expected in the midst of the above-mentioned conditions.

I am not in any way arguing that public investment—which is to some extent a form of redistribution and subsidizing, since the resources are not assigned through the market process—is indispensable, nor that private investment must always lead to the above-described situation. I am simply saying that, while private investment is ideal where the general population possesses an adequate economic endowment (because, among other reasons, the economic information every individual has is properly made use of only in the market economies), public investment might be better able to determine social priorities under different conditions because it is not motivated by profit. Of course, public investment must never be funded by running the country into debt or sweeping inflation, and limited only to supplying the benefits which private entities are unable or unwilling to offer. Falling into a full blown mixed or Keynesian economy is to be avoided. Although the creation of employment by the government is not in itself anti-libertarian prax-

is, the justification of a state enterprise depends not only on the benefits it provides, but also on the legitimacy of the resources needed to run it.

In practice, over the long term, real costs are more likely to come down where private investment predominates, given the greater display of creativity brought about by competition, the usual higher cost of state enterprises (due to the bureaucracy essential to their functioning and to the subsidies granted to unproductive privileged groups) and the greater level of employment expected to be achieved by the market process. But our concern is the possibility that unfair-advantage-trade corporate demands may add more to consumer costs than the higher expense incurred in running a state enterprise, making unavailable for the poor sectors of the population the access to vital services, or implying for them sacrificing the enjoyment of other fundamental goods of the culture. One of these is a universal meaningful opportunity, which market mechanisms cannot guarantee themselves. It is true, as von Mises said, that economics deals not with perfect beings but with real men and how they act (*praxeology*). But that is why it is not up to such sciences but to ideology to tell between licit and illicit economic pursuits. And it has been the action of real men which has created orders of right integrating the particular with the social.

It is through such integration that we can solve the matters related to priority and subsidiariness, which will necessarily appear in the measure that the nomocratic notion of society develops within a group. In any case, the amount of absolute wealth a group possesses is not an overall indicator of the social well-being enjoyed by that group. Every social pact reveals the will of men to pursue a common good, and everyday toils to better one's lot are framed within this. In those prosperous countries where material wealth is adequately—nomocratically—spread, its redistribution may become an obstacle, and even contrary to right. In other circumstances, it is a social imperative. Every economic system must be guided by these fundamental-ist ethical normative criteria. They will provide the best outcomes—of integral bio-psycho-humanistic economics, not merely of global indexes and indicators of productivity and financial activity—under equal circumstances, while neglecting them will always result in failed economic models as soon as the situation which temporarily made them seem functional eventually disappears. Economic parameters transcend the mere form only by incorporating contents of right. Often, the *equilibrium* of supply and demand achieved by the market prices is simply due to the fact that the twig will break at its weakest point.

²Friedman, M., *Capitalism and Freedom*, Ch.XIII, p.198. The University of Chicago Press, Chicago 1982. The question of a graduated or progressive tax—tax exemption is the first step of the ladder—versus a proportional one has no easy answer. It is evident that many who favor progressive taxation are simply motivated by envy, and once escalation starts no one knows where it will end. Equally evident, taxing to the point of eliminating profits is equivalent to confiscation. Besides, he who produces the most receives the most from society in total amounts, but not percentage-wise, and therefore it seems that the percentage to be taxed must be the same for all. Another argument against graduated taxes is the possibility that it may result in different pay for equal labor or equal pay for different labor. Let us remember, however, that though transcended by freedom this is also a common phenomenon of the market. There is also the possibility that a progressive tax may hinder the rapid formation of new great fortunes

while favoring old ones and fostering the rise of monopolies. It is also said that a fixed tax rate favors savings and wage rises, although the latter is not by all means clear. All of this without taking into account that production would stagnate if business people were forced to make less in order to stay out of higher tax brackets, where incentives for additional effort and investment risk are smaller. In spite of everything, I believe that progressive tax may not be harmful if it is applied temporarily, in special circumstances and on the condition that no tax bracket impede the advancement to a higher level of material self-fulfillment. The best use of the progressive tax—clearly more rational than a thoroughly high direct one—would be in situations of great social need, although it would be interesting to know whether replacing the income tax for a proportional one on expenditures would result more efficient. In the previous edition I think I expressed myself incorrectly and justified selective taxation, which—except perhaps in some limited spheres—is actually a hidden confiscatory measure. It seems to me that I had in mind the right of state to appropriate vitally needed resources, since this contemplates their future restitution.

³Gandhi, M. K., *Hacia un socialismo no violento*, Ch.V, ¿*Qué es ser socialista?*, pp.27-29. Editorial La Pléyade, Buenos Aires 1977. The Marxist passage is from Reuten, G. and Williams, M., quoting another author in *Science and Technology*, Vol.57, No.4, p.421. Winter 1993-1994, New York. Let us note that while both socialism and Hinduism (this through its caste system) restrict social mobility, only in the former there is an unnatural split and a contradiction between the ideological framework—abolition of social classes—and its praxis—the creation of a social hierarchy through centralization and super-institutionalization—which shares with several non-socialist tyrannies. Hinduism does not fit any socialist scheme because it does not seek equality and given its express acknowledgement of social classes. And expanding its principles, it could admit an increased social mobility. In socialism, any social stratification taking place through free interaction or merit is bound to be done away with by the tendency to aparcularization.

⁴Gandhi, M. K., *Ibid.*, p.33. In his thought, Gandhi follows a philosophy of detachment from material possessions, unfortunately misunderstood even though he admits it is practically utopian for the common man. Still, the ideal state for him is that of the bird who seeks every day to satisfy its basic needs. If this was the ideal state of man, he would die of starvation whenever any problem prevented him from gathering his daily bread. Mahatma Gandhi states that God will provide. That may be true, but God provides for the needs of man through indirect, that is, natural means. He never extends a hand to give, except when He personifies Himself in this world. Thus it is that God has provided man with intelligence so he may develop the resources to meet his own needs. If he does not do as God commands, promote his own growth, store up for the morrow and build a better future, God will *punish* him: he will suffer the consequences when adverse circumstances prevent him from meeting his basic needs. Besides, Gandhi identifies socialism with non-attachment and a lofty spiritual disposition, which even transhistorically can be proved to fall outside the political realm. He may be heeded when he admonishes us to curtail our needs on our own, but not when he states that having more than we need (or are able to prove that we need) incites others to steal from us. He uses the term “need” in a most narrow sense, and dismisses merit as a source of respect and right. On

pp.37-38, Gandhi speaks of the indolent millionaire and of a presumed need to earn our daily sustenance with the toil of our bodies. It would seem that Mahatma did not consider the brain as a part of our bodies.

⁵McNally, D., *Against the Market*, pp.213-217. Verso, London,1993. Among other things, the author affirms that by the creation of the labor market from the ashes of feudalism, the workers became separated from the means of production, as it happens typically in Western Europe. But capitalism has only modernized such a market, and the rationality of the ownership of the means of production does not lie on being a direct producer, to say nothing about who really is a direct producer.

⁶Russell, Bertrand, *The Basic Writings of Bertrand Russell*, from Principles of Social Reconstruction, 53, Property, p. 491. Simon and Schuster, New York 1961. His opinion contrasts with the following: "In Roman agrarian law there was a clash between the public and private ownership of the land. The latter is more rational and must therefore be given preference even at the expense of other rights".* Quite true: collective ownership carries the seed of discord because of the different wills regarding its administration. Not so with private ownership.

⁷Hayek, F. A., *The Road to Serfdom*, Ch.VIII, pp.103-104. The University of Chicago Press, Chicago 1975.

⁸Hayek, F. A., *Ibid.*, Ch.X, pp.136-138. The socialist disposition of assigning common ends to the persons has unleashed innumerable conflicts, as Nazism exemplified, even though racism is truly to blame. Obviously, racism is not exclusive to socialism but it is fostered by it. Perhaps overgeneralizing, and to a lesser degree, this phenomenon may also be observed in sports rivalries, intercollegiate and others. There is room, however, for assigning common ends to men in certain cases, as for example when rivalries among local industries prevent a unified trading policy towards foreign markets, which would strengthen the local's bargaining power. An institutional regulation limited to create a unified front—at least in certain spheres—may sometimes constitute an organic requirement of society.

⁹The first type of socialist I have been able to identify is usually well-intentioned, like Gandhi. He does not mean to dispossess and, as a rule, is truly humanitarian. He usually appreciates human creativity in its artistic, scientific and other aspects, but not in the economic one. And he objects to private property in every imaginable way, arguing that it corrupts man. As long as this sincere and humanist type does not steal the property of anyone, capitalists have little against him. But he lacks in both wisdom and maturity.

A *problem* inherent to capitalism, and which socialism avoids, is that individual triumph and failure are more evident in the former. In socialism everything is diluted. This aspect, desirable to many, is obviously the result of both a reluctance to accept that some are better than us and a tendency to underestimate our personal achievements. This last sentiment characterizes another type of socialist, the self-doubting one. This one dreams longingly of the abolition of social classes, not realizing that only absolute equality in every order would accomplish that. It is true that under capitalism competition makes some stand out, but this worries self-doubting socialists needlessly. They do not value themselves as individuals. They lack pride and

*Hegel, G. W. F., *The Philosophy of Right*, Abstract right, 46, p.23. *Grandes libros del mundo occidental*, Encyclopedia Britannica 1952.

faith in themselves. Some would take care of parasites because that is what they themselves are. They brand excellent creators of wealth as selfish, of course, and speak only of needs, never of the right to what work has created. Socialism to them is merely a convenience; these parasite socialists are lacking in sincerity.

And then there are others who are more apt to identify themselves with Marxist-Leninists. The interests of capitalists and proletarians are irreconcilable to them. They brand all entrepreneurs as exploiters and try to pass for humanitarians by offering to distribute the wealth of others. This characterizes the worst of all socialists, the envious one. Many of these are not exactly poor, but in some strange way the wealth they cannot justify for entrepreneurs they justify for themselves. This type of socialist believes that he deserves everything. He is a despot, and lacks the humility to accept charity. That is why he would have the state provide him with everything, and absent that, he envisions himself the object of imaginary rights. And while deep down inside he knows Marxist principles are false, he tends to accept them in order to deprive of honor the object of his envy. Rather than sublimating his envy and greed, he politicizes them. He cannot accept, if under the employment of a prestigious enterprise, that he is its beneficiary and is indebted to it. He would rather feel obligated to an impersonal state. As we said before, they are lacking in humility. All these types of socialists interface to a greater or lesser degree. In one way or another, they all share the desire to see social classes eliminated, but do little about it because most either are still rooted in democracy or do not really believe what they advocate.

CHAPTER X

THE ANTI-NATURAL IDEOLOGY

Definitions are always risky business, but we could say that communism is the social and political system devised by Karl Marx and Friedrich Engels which is particularly characterized by the negation of the right to property and by a materialist philosophy with special features. Marx distinguished himself primarily by his study of economics and what we might call historical materialism, while Engels is more identified with dialectic materialism. Communism shares many precepts with socialism, but exhibits greater coherence both in its cosmivision and in its praxis. Here we will encompass the fundamental aspects which characterize the former, and which everyone has to know in the defense of the nomocratic political axis of life.

The serious flaws of Marxism soon led to the appearance of *revisionist* tendencies, Bernstein¹, for example, and critiques such as those of Max Weber, who maintained that the ideas generated the systems: thus, Protestantism would have given rise to capitalism and not the other way around. Leaving aside whether or not that is correct, Weber had a better appreciation of social dynamics than Marx. He believed that nationalism was a more influential factor than class struggle in war and in the development of states, and that social stratification was determined not only by economic achievement but by concepts of honor and prestige as well. Another theorist, Vilfredo Pareto, saw the struggle as one not between an elite and the masses but rather between established and rising elites. The reasoning of Hegel led to the emergence of two important factions, the Hegelian right and left. The latter, even then sheltering left-wing intellectuals, anarchists and theologians, misinterpreted his words.

Hegelian *pantheism* was equated with an atheist position, a forced equalization, given that only when atheism admits the existence of ontologically superior planes of Being—with a concomitant assumption of a reverential attitude toward such planes—can it be said to resemble pantheism.

According to Engels, the commandment *Thou shalt not steal* must arise from the existence of private property.² True, but that only demonstrates its immemorial validity. And establishing communal property and distributing the daily bread equally to everyone are not enough to prevent its theft. Engels is right in that in a society where all the reasons for stealing have been abolished it would be crazy to do so. But when men steal, they look for a good which can satisfy their needs or wants, irrespectively of the legal status of such a good. Theft is not justified even in the presence of misery and injustice, and is at best perhaps viewed with understanding eyes. Of course, taking by force what one should be entitled to cannot be equated to stealing.

Communism is the anti-individualist philosophy par excellence, even though in practice it contradicts itself by awarding some (in an institutionalized manner) an illegitimate status. Within this matter, the natural resources of a nation are comparable to the natural abilities of an individual, so logical consistency would dictate that they could not be used for private gain. Justifying a relatively wealthy Russia alongside a China in want on the basis that they are independent economic units, is a capitalist way of reasoning, and shows the difficulty in universalizing the communist tenets. For Proudhon, on his part, enemy of property though he was, the community falls into the same contradictions as other epochs of the economy, and communism will inevitably end in iniquity and misery.³

To Engels, work is dehumanized by the division of labor, and he deemed it beneficial for engineers to push wheelbarrows. That is a wrong application of energy, leading only to inefficiency and waste; we can hardly imagine a former Soviet nuclear engineer engaged in such a task, since even communists themselves have realized that the division of labor increases productivity. Yet that is what occurred in Cuba when doctors were ordered to the fields to harvest cane, obviously with the intention of humiliating them. It will be argued that

Engels referred to the old distribution of labor, which Marx defined as socially significant, implying a certain status. But what is socially significant in such division has never been based on the division of tasks, as horizontal differentiations do not imply an outstanding performance or creativity, which is what raises social status. And a task-related division of labor is inevitable, unless we choose to take on completely different duties every day of our lives. The goal of Marx and Engels is to discredit the fruits of personal effort, attributing the natural stratification of society to the institutionalization of an exploitative mechanism. But the division of labor adapts to the needs of the time and matches the talents and abilities of each group. And even if it were the case that there was only one labor to be performed, it would not be performed equally by everyone, thus determining different recognition for each one, and thus also turning out to be socially significant.

According to Engels, division of labor allowed urban areas to dominate rural ones economically.⁴ Indeed, it has happened that urban production has been more highly valued by reason of its elaborateness and consumer's priorities; but it may well come to pass that the farms dominate the cities economically if foodstuffs grow scarce. The division of labor does not have an institutional mechanism of its own to force a people into submission. The separation country-city arrived naturally as both complement one another in order to satisfy the needs of a complex society. Cities are also powerful manifestations of the culture of a people. They facilitate research and industry, information gathering, and the diffusion of ideas.

Pessimists believe that things control men: the means of production do so, everything does so. They are right only in that few men think for themselves. And until they do so, it will make no difference who or what controls them; whether it be urban life, the means of production, or Marxism-Leninism. At bottom, no system of life is truly external to men since it is according to his nature that man creates moral and immoral systems, or, what is more common, that he alienates himself by choosing the anti-natural ones. Engels concludes that when the means of production are in private hands they control man, not so when they are in the hands of the state. In practice, however, it has become evident that placing the means of

production in the hands of individuals favors the attainment of greater freedom and fulfillment. Also, the means of production change especially through inventions, not precisely when the economic situation demands it. Bertrand Russell deems the Marxist perspective anti-historical: Marxist analysis cannot explain why such means did not change from Archimedes to Leonardo despite the need. Russell sees the lack of experimental science throughout that long period as the overriding factor. As he pointedly notes, intellectual causation of economic processes escaped Marx.⁵ Or rather, he had to hide such a fact, for what follows is the recognition of the merit of intellectual causation.

After Marx and Engels—who saw in the transformation of products into merchandises (and values) a negation of social production—neo-Marxists say that the social determination of material existence is negated “because of the separation of the units of production and of consumption”, which would be bridged through the value-form of products and work. But it is clear that such social determination is a concretization of cosmivision,⁶ which whenever belongs in the nomocratic axis deems direct distribution as contrary to right, and that the value-form of products and work—as we will see better in chapter XII—is praxis, not bridging of any sort of contradiction. In capitalist society the mentioned units are primarily integrated through the praxes of right, although for the purpose of distribution, only producers exist as essential juridico-economic units. But what has communism done in order to alleviate the abovementioned *evils*? Because in the communist world labor continues to be subdivided, hierarchies persist, cities remain, so does an official and alienating commodification of the human person. The practice of communism has undoubtedly dehumanized work.

The theory of reflection might be tolerable, but even if matter were supreme its reflections could not remain at the same ontological level than their mechanical referents. And if conscience reflects the objective world, it must also reflect ethical character. The crucial difference between communist materialism and some others is that the latter see man, though interacting with, autonomous vis-a-vis the environment thanks to his bio-cognitive processes—as Piaget

demonstrated quite convincingly—while the former believe that it is the means of production within society which determines the way we think. Along this line, Sartre defines ethics just as a reification of the negative structure brought by scarcity.⁷ This concept does not even merit encouraging struggles to change the modes of production and distribution, since, if that concept were true, all that can be achieved is another notion of justice possessing no more rationale than its own economic or material foundation. Scarcity is only a sub-emergent determinant upon whose interiorisation man builds bio-economic praxes. Ethics, on the contrary, reveals an irreducible disposition of the spirit; from the low evolved ones, leading to selfish appropriation and conflict, to social forms of legitimate possession and the transcendent ones, leading to brotherly sharing.

Marxist atheism is based among other things on substituting faith in oneself for faith in God. But faith in oneself is the same as faith in God for the believer, who does not see himself as alienated from the divine. The concept of the spirit held by Marx refers to a crass epiphenomenon of matter or identifies perhaps with the intellect. In the communist system, there is private religion, meaning that private religious practices will be tolerated, but the aim is to stem internal unrest, not to allow freedoms: since the state is atheist by definition, it has the right and the duty to combat the *opium of the people*. The assumption is that directed education and the subjection of the Church will suffice to erase all vestiges of religion or at least greatly weaken it in two or three generations. If religions served only to secure the entrenchment of certain classes in power, only fat politicians and despots could be found among their ministers. Purely philosophical theories would have never arisen, much less ascetics, mystics and saints. Undoubtedly there is something more . . . much more.

Historical and dialectical materialism

Dialectical materialism refers to inherent dialectical change as seen from a materialist angle, very craftily applied in this case to political concepts and to social life. Dialectical materialism, not cited by Marx in this form, took

some concepts from Hegel and applied them mainly to the historical process.

Our emphasis will thus be on historical materialism. Let us just stress the flawed nature of the law of the negation of the negation, in the sense that the abolition of private property overcomes in a synthesis the logical mutual dependency between the capitalist and the proletarian.⁸ Since both constitute dialectical poles, each one affirming itself and thus its rational pulls over property, what communists really *overcome* is the natural state of right. The only conceivable synthesis, justice, is through the above pulls. The abolition of private property is not synthesis but simply the anti-thesis of right. Although, as Marx correctly thought, there is a logical dependency—the *interpenetration of opposites*—between capitalist and proletarian, this actually lies in the existence of a wider whole, which can be any social system belonging in the nomocratic axis of life. As a socio-historical phenomenon, the capitalist/proletarian split arises in a production interaction; as a pure rational entity, that split is a praxical outcome, a doctrinal objectification. That is, that the existence of one does not depend so much on that of the other as it does on the existence of a code of right whose expression is particularized. And here, as a dialectical situation arises, the claims of each party (their emergent-level sphere), are intelligible only when integrated with those of the counterpart. But joint intelligibility does not mean joint legitimacy: the claims of one pole can be rejected, for example. According to the principles of nomocratic right, then, no possible interpenetration exists when it comes to the sources of right of capitalists and proletarians—which is precisely what legitimizes status—since these are self-substantive realities based on the actions of the individuals concerned. The dialectical moments of social dynamics corresponding to *pre-moral* and *axiological totalizations* may indeed entail a negation, not so much in the clash of wills over an object—which is more of a sub-emergent drive towards fulfillment—but in the sectorial perception of entitlements, so much, as we have said, that a rational solution cannot be relied upon, and an external agent of synthesis (the state) is required. In this case we can find another negation, that of irrational wills or contents. But it is clear here that the initial situation constitutes an incom-

plete dialectical event, which failed to produce a practical synthesis. In fact, had the principle of synthesis prevailed here, the dialectical event would have been completed through a single negation of illegitimate claims, if any, for a single occurrence. We do not discern here a formal disqualification of any polar notes as such, just misjudgments or arbitrariness by interested parties; and what is to be socially affirmed or negated is rationally affirmed or negated since the start. Patently, we cannot affirm any polar content disregarding its opposite, but this simply means that we cannot ignore the legal framework in which the situation takes place. There is no single thing, event or phenomenon in the whole universe whose full intelligibility can be attained acontextually.

Hegel believed that history moved forward according to dialectical law, which entails the conclusion that practically everything is preordained toward a higher end. That led Marx and Engels to assert that sooner or later communism—as the result of a transformation (quality) brought about by gradual changes in the social forces (quantity)—was bound to rule all over the planet. On that respect, we are tired of seeing retrogression as the outcome of political conflict. And a confrontation between the two great factions today could easily mean a return to barbarism or even the extinction of the human race. I agree that—disregarding the factor of external causation—we might understand each moment within a series by understanding the initial moment. What I do not accept is the proposed historical direction.⁹ Should the last communist regime finally be eradicated by the force of arms, what then? Would this mean that capitalism was the awaited synthesis? No philosophical truth will depend on who is better armed or better prepared for battle, unless we believe we are to witness the final struggle between good and evil. If it is given to dialectics to determine the purpose of history by means of a synthesis—such as the progress of the conscience of freedom, as Marcuse would say—the latter will not result from the abolition of social classes but from the legitimate realization of the individual in all his organic fullness.

To Marx, every society inexorably traverses certain stages, which are: primitive communism, the Asiatic way of production, feudalism, capitalism, and finally communism. According

to him, every society (with the exception of the first two and eventual communism) has been characterized by struggle between the classes because of the conflict between productive forces and production relationships. As we examine elsewhere, no dialectical situation can be conceived in such a manner. Now then, the prophesy of the inevitability of communism may materialize through the use of force, but the recent ferment in communist regimes—the breakdown of barriers to greater freedom of speech, movement and trade—shows that Marxism has failed to win the good will of the people, and is indeed an anti-natural ideology. Contemplating the Industrial Revolution and its initial shortcomings, it seemed inevitable to Marx that the dissatisfaction and extreme impoverishment of the proletarians in industrialized countries would bring about a revolution and their rise to power. Had Marx been less dogmatic, he might have realized that such situation had to be resolved, as in fact it was, without suppressing the particular social dialectical poles.

An important element of historical materialism is its concepts of the social structure. This assumes that economic organization constitutes the fundamental infrastructure, and that superstructures occur as legal forms of social coexistence which rise from the infrastructure. What this means in everyday language is that how a society is economically organized—especially in what concerns the production and distribution of necessary goods—will determine everything else in it, including religion, the arts, political thought, and so on. That leads to the conclusion that changing the economic infrastructure will change the other values which characterize a society or a culture. Marxist historicism forgets that history only shapes man in the measure that man has shaped history. But those were the concepts of the founders of communism in *The German Ideology*. It is there postulated that since primitive man had first to meet his material needs (such as food and shelter) in order to survive, the means to meet such needs must constitute the primordial factor of human history.

No, a thousand times no! The means for satisfying needs is not the subject of history, except within a general appreciation which is more the province of anthropology. History is a continuum of events determined by the forward march of time and

obeying various causal factors, the purely material among them. But historically significant events have much more to do with actions derived from ethical dispositions toward material conditions than with the conditions themselves. To Sartre," it would be scarcity the totalizer and the only possibility of history. But, in the same fashion, it is not scarcity, which is just a relation, but a drive towards fulfillment—the usefulness of a good remains even regardless of its availability—what prompts the actions which can be deemed historical. In normal conditions, scarcity acts as a determinant of distribution only through its effect on prices. Thus, it may be the totalizer of economic ensembles, but not of the legal frameworks that determine the legitimacy of distribution, save the emergency situations we have already mentioned. The milieu of scarcity within which social structures and institutions often arise is only circumstantial, as the latter are intelligible (and necessary) even amid the utmost and most comprehensive abundance. The milieu par excellence within which praxical structures and institutions arise, is reason.

Everything that is organized around the satisfaction of biological needs gives rise to an economic structure, which could be seen as a means to that end. But the activities destined to meet biological demands must be incorporated into a normative context, other social structures taking shape at the same time, not on the mere basis of organizing needs—if they are to secure a rational access to goods and social advantages—but of the global requirements of the human spirit. To derive superstructural elements, such as legal provisions, from a dialectical process lacking in moral contents—starting from the productive forces (or conditions of material production) and passing by the modes of production—is to pretend that sub-emergent realities can skip the evolutionary process, for which reason such contents must be incorporated in the infrastructure—initially in rudimentary forms of social organization with all probability derived from the familial model or right—to originate the advanced praxical mechanisms known as the superstructures. There is, then, side by side with every economic structure, a true ontological necessity subjecting it, especially the distribution patterns, to a framework of right, which is irreducible to material determinants and cannot be regressed to them. Law,

*In his previously mentioned *Critique*, pp.122 ff .

insofar as expresses an existential moment of the collective praxical self, is essentially autonomous from its external determinants. The material means of satisfying such needs are thus transcended by the ethical; the historical, then, originates rather in socio-ethical praxis.¹⁰

Customs are sources of right because most collective practices imply believing in their goodness, and therefore an unwritten law which endorses them. What is done later is merely to institutionalize or para-institutionalize them. In any case, the economic event does not by itself determine the power structure. Even further, it is the state (the power structure) which usually introduces, supports or alters economic structures. Of course, the system of production and distribution possesses autonomous (environmental-bound, that is) constitutive and functional spheres. But the state, as a primary structure of social order, has overriding powers over all the others, excepting the cultural one. The (political) ends pursued by every free society, and the means to achieve them, constitute less a design than a praxis mediated through the collective conscience. The ideas of Marx do not do justice to the great events which make up the human saga: the search for truth, the defense of the faith, ambition, and so on. Religions cannot be said to have originated under any particular economic system, and their tenets survive throughout history while also gaining hold in different economic strata.

A social system may be defined by the institutional and the institutionalized life of the people. Thus, it is quite true that when a system of life is established the new members born into it are educated in its values. But society can mold man only through man. Also, an ideology in conflict with an established social system is not necessarily the product of contradictions inherent to the system; it may simply rise as a result of unwarranted social discontent or even an innovative approach. The communist system itself originated and took hold precisely that way, generating a contradiction external to capitalism itself. As is to be expected, changing the economic structure will tend to alter the interdependent social variables. But it will not modify substantially any emergent-level structure or its praxis. Thus, people may hold on to their moral values through change after change in the economic structure.

Obviously, depending on the nature of the changes which are implanted, people will see some economic practices as just and others as unjust. Thus, in a feudal system justice will be a function of the amount demanded by the feudal lord, while no amount of an analogous tribute will be acceptable under capitalism, only a tax payable to the state. But that does not really mean that the moral superstructure has changed: man tends to adapt to the prevailing system, and applies moral values to those economic practices sanctioned by the system. More than the system of production and distribution itself, reflection on the essence of his being, his struggles, and similar considerations, shape the cosmivision of man and his social structure.

Marx asserted that every step of the development of production was related to a corresponding class structure. But such steps determine, more than anything, functional arrangements, while the fundamental structure of social class is determined by the prevailing framework of right. Such arrangements, it could be said, entail differences in status. Yes, but only through previous parameters of legitimacy. The same functional arrangements can determine different class structures and compositions depending on the prevailing ethos. And in a collectivized system, factors other than economic ones exclude the occurrence of social amorphousness. To Marx, every social system contained immanent forces leading to contradictions which could only be resolved by a new social system. Communism was the exception: in the absence of classes, these contradictions would disappear. Is the sprouting of democratic ideology in former communist regimes, then, evidence of the contradictions of the system? Political ideas are not determined merely on the basis of the social class one belongs to. We saw that in El Salvador where, despite circumstances of extreme social tension, the communists never gained the support of either the proletariat or the peasantry. Political ideas differ according to each fundamental disposition of spirit, but conviction subject to convenience does not deserve to be called ideology. The reasoning of the true philosopher and ideologue, or of any clear-thinking man, is, as far as his psycho-epistemological evolution permits it, above class prejudices, vested interests, and whatever is deemed

conventional at the time. Because even if thought were a totally goal-directed operation of the spirit, neither can we deny that there is in the latter an unadulterated aim to seek the truth. The fact that entrepreneurs generally lean to the right in their economic thinking is not a function of their social class, except in what applies to horizontality, that is, the type of industry. Because we cannot expect a prince to lack a leadership mentality, or a lawyer not to defend the interests of his profession. Most men possess a capitalist mentality, even if they belong to different social strata, since they value personal merit and demand recognition of their own. Only in tyrannical regimes is it impossible to defend guild interests because of the repression of the particular dialectic poles of right.

Hierarchic organization is inherent to the human species, and may even be shown to exist in animals. In man, this type of order is essential to institutionalization. Without it, there would only be chaos. Examples abound to show social classes working together in harmony. Dialectical antagonisms must rise between them, as well as between nations, cultures, and others, but their opposing interests must be univocally overcome in both poles. When interests are rational—and in the case we discuss here that usually relates to horizontal concerns—there can be no rationale for class struggle. The communist triumphs have been party, not class, victories. Communists attempt to provoke ideological antagonisms, but since only the abnormal become their recruits where there is no great injustice, they find it necessary to create chaos and misery, stir tensions, and spill blood. Where there is no dialectical struggle, it must be provoked.

Communism and the state

Evolution into civil society is unnecessary and harmful, according to Marx, since such a society asserts the right to property, a right he considers unjustified and leading to the subjection of certain classes. From expositions in the appropriate sections of this book, following prestigious studies, we know that never have rights or the law been absent from the social structure of man. Their manifestation may have been rudimentary, but the transition between the state of nature, if

we accept it occurs in organized human groups, and civil society is only one of degree. Marx argues, citing the 1793 Declaration of the Rights of Man, that since the right to property implies free will over the object of property, other men and society are left out.¹¹ I find it strange that he overlooks that such free will is not the privilege of a few but instead a universal right: men are alienated only from what they have not created. To Marx, rights divide rather than unite men, and argues that when men affirm them they do so in order to benefit their own private interests. This last may be so, but realizing legitimate interests projects to the common good. Law in civil society simply reflects that awareness.

When Jews demanded rights and freedoms (of worship, in this case), Marx replied that "...the point of view of political emancipation has the right to demand from Jews the abolition of Judaism, and from man the abolition of religion."¹² A Marxist, then, cannot be asked to recognize the freedom of anyone to exercise this or that right, because he will argue that freedom exists only in abolishing the rights one would exercise. Proletarians of the world, open your eyes! Even though *non-bourgeois* rights are offered to you today, tomorrow those same rights will be considered bourgeois and therefore denied to you!

But Marx dreams of a perfected political state within which spirituality will bloom because man will live in a political community as a communal being, whereas in civil societies he acts as a private individual. What defines a communal being, however, is his organic integration with the principles of society, not the reduction of the individual to the status of a bee. And property—in the *bourgeois* sense of the term—is a trans-historical institution whose criteria of legitimacy are above any particular wills over it. If we accept the reality of so-called primitive communism as conceived by the Marxists, we have there a communal being. Shall we therefore accept the social perfection of man in that state? We will later see that is not the case. Communal life must spring from spirituality, not the other way around! A genuine communal being is product of an organic, not of any aparticularizing synthesis.

In arguing against the Declaration, Marx asserts that enacting laws in order to defend rights is evidence of previous

conflict. Indeed, laws are enacted when the need is perceived. The argument, then, turns against him: when civil society was installed, that is, when a well-established political power and the need to legislate arose, that event must also evidence previous conflict, in this case in the stage of *primitive communism*. Lenin, following Engels, held the same opinion: that the state was a product of society, which had arisen because of a contradiction within the latter as a result of an irreconcilable conflict between the classes.¹³ But had the state been born in order to oppress the greater number, it would be logical—for those times—to assume that the few would have been subdued. That is evidence that the few ruled with the consent of society. A very strong objection to the oppressive theory of the origin of the state is to be found in the suggestion that generally the first established governments were not tyrannical. When tyrannical governments appear, the usurping class enters into conflict with the others, but it is not identifiable with all upper classes. Usurping classes are upper only in terms of power, not because they are outstanding or meritorious. Besides, many tyrannies have not been and are not today based on class, but rather on a chieftain, a party, a race, or a creed. When Engels cannot escape recognizing the existence of a tribal chief worthy of respect, he asserts that the roots of his power are not alien to society, and that in all other situations the state will act to repress the subjugated classes. But the fact is that the very existence of such chiefs speaks against the idea of a classless society, and that a class division by itself constitutes a structural mechanism of subjugation.

Neo-Marxist concepts have only worsen the picture. To Sartre, the state posits itself as a mediator between class struggle, and it may impose paternalistic policies on the dominant classes on behalf of the subjected ones, always in the best interests of the former.* Were he talking of deceiving, we might agree; but for him the above grounds in a formal scheme which finally reverts to the determinations exerted upon man by worked matter (*the practico-inert field*), which I plan to deal thoroughly with in my next book. Suffice here to say that any social scheme lacking in emergent-level determinants must explain such things as exploitation as an inertial drive, making

*Op. cit., pp.628 ff and 640.

impossible to prove it due to its lacking in the parameters of legitimacy we have mentioned. Neither political power nor sovereignty are intelligible in terms of appropriating and interiorising the powers of the dominant class and then transforming them into right, except within the realm of arbitrariness. Thus, only when the state mediates between the classes or individuals qua units of right, its power explains itself and becomes legitimate. The impotence of *series*—in short, alleged low-level forms of sociality such a fashion-related aggregates or even people lined up to buy tickets—to resist the manipulation of a dominant group, cannot explain the power of the state because sociality is not exhausted at the *serial sphere*. Manipulation works at the bio-psychological, not at the rational level. Even if hidden, there always co-exist in everyone higher spheres of sociality which are the ones that relate to legitimacy and consensus, fundamental to any objective notion of the state. Certainly, the state conforms itself from the dominant groups of society, but it will always do so from the *praxically normative sector* of society.

To Engels, the organization of individuals according to territory in a civil society is a repressive measure.¹⁴ This borders on paranoia. In smaller societies, everyone knows each other by name or by family affiliation, but in a larger one social tasks, distribution and services must be organized on the basis of the subjects' or citizens' residence for the sake of proper functioning and administration. In primitive societies, bonds between men are more determined by blood relationship because family and clan constitute the mainstays of their integrity. Territorial bonds are weaker because territorial limits may be poorly defined or temporary, and because in primitive stages cultural values are notably less rooted in the nation than in the family. In civil society blood relationships function on another level, but anything that brings man closer together is worthy of appreciation.

Even the bodies set up to maintain the public order are seen as tyrannical instruments of civil society.¹⁵ In primitive societies, police and judges were those who administered justice, because labor was not divided to the point that there were special bodies, nor were these needed. That was the case with the army, constituted mainly by those who were ready and

able to fight at a given moment. In a complex society, this would be absolutely anti-practical. Now then, it does not make sense to aver that there is in capitalism a public force separate from the people, since such a force is just a praxical mechanism of social order. It is necessary to demonstrate that the capitalist state requires the existence of a repressive force to maintain a society above society. And what is to be gained socially if, as Lenin proposes, the repressive forces of the bourgeoisie are substituted by those of the proletariat?¹⁶ As social classes—that is, with no further qualification—both proletarians and bourgeois can brandish only the constitutive support they provide society as a source of legal merit and justification for ruling. A genuine representativity of the people rests more on principles than on any sectors of the population. According to Engels, when the proletariat assumes power and transforms the means of production into state property, the state ceases to exist as such, class differences disappear, and so do slavery, wage earning, servitude, and all forms of coercion. Only its dialectical counterpart—the individual as an object of right—disappears here. And as to patch the contradiction between a class-bound state and a classless society, we are told that the state cannot disappear in one day, so it will vanish little by little. The *proletarian state*, that is; the bourgeois counterpart, on the contrary, is destroyed.¹⁷ It is all a matter of labels: one government substitutes another, that is all. We already know full well that the classes reorder themselves, and that the state begins, not to vanish, but to control over every aspect of human life, endeavoring to inculcate a spurious consciousness, a real society above society.

Even before the days of Marx, there were all kinds of anarchists, from the idealists or philosophers to the terrorists. But they all wanted to destroy established authority once and for all; they did not accept a proletarian state in its place. In that respect, anarchists were at least consistent. But even though communists have accused them of serving reactionary interests, there are more agreements than differences between them. Both see proletarian revolution as their goal, and both are enemies of property. Anarchists see themselves as such in regard to political power, and as communists in regard to property, a true contradiction. The state should no longer

exist in those countries still under communist rule, since there is supposedly no possibility for any remnants of the bourgeoisie to take over and social classes are not supposed to persist. The danger of external aggression is not a valid excuse, since *the people in arms* could defend themselves in the absence of the state.

The state becomes smaller only when its repressive actions are similar to those which the persons would rationally take against each other in comparable circumstances absent the state. The philosophy of individualism is rooted there. When the state vanishes, we are promised full democracy, which will eventually disappear, and ideal communism and universal happiness will take its place.¹⁸ What is promised is a Utopian Society of Ethical Men where the state will not be needed because all men will conduct themselves ethically. The road from capitalism to communism is supposed to traverse an intermediate stage called socialism or first phase of communist society, where there will be a collective ownership of the means of production and equality will be supreme. The implication is that rights would cease to exist because equality of rights presupposes inequality. But, in contradictory fashion, we are also granted that bourgeois right would not be completely abolished at this stage because society cannot abruptly begin to function without a standard of right.¹⁹ This seems an attempt to make use of bourgeois creativity for political and economic ends, as we witnessed in Sandinista Nicaragua. Conserving bourgeois right when the intent is to eliminate it, is what Lenin terms a dialectical puzzle of profound content. The fact is that even in the first phase of communism there is no genuine state of right, only an amoral legal standard according to which all community members are considered state employees. Thus, everyone will have to work equally, receive equal pay, and belong to a single syndicate directed by the power of the armed workers. This is actually a mechanism to achieve what neo-Marxists deem *homogenization through the interiorization of extra-economic power* in democracies, which negates the first principle of nomocratic right. What as a consequence takes place in a socialist scheme is a *periferic aparticularization* of right, which—given that it requires a centralization of all the

power—leads to the structural constitution of an oppressive social class.

To Lenin, capitalism “creates pre-requisites for everyone who would participate in the administration of the state.”²⁰ I would like to know when in history and where in the world have pre-requisites been unnecessary in order to direct any institution. In democracies, at least ideally, they measure honesty and ability; in communist countries, they certify party affiliation and faithfulness to orthodox ideology and praxis. In capitalist countries, these pre-requisites are said to be economic in character, dismissing the simple fact that while those who attain power usually do so after having also attained some measure of economic advancement, achievement in any field is generally accompanied by such advancement in those countries. But it is because some stand out in politics and not because they attain wealth that they achieve the privilege of leadership.

The next step is the highest phase or stage of communism, where the famous words of Marx are supposedly realized (“From each according to his ability and to each according to his need”²¹) and when the state no longer exists, which will arrive in who knows how long. As we have commented earlier, need is transformed into a usurper of natural rights to the detriment of everyone. Lenin predicts a great development of the productive forces at that time, to the degree that everyone will be able to take, without control, whatever goods he may need. This constitutes the perfected political state proposed by Marx (a la Hegel), one different from civil society. But while something similar is conceivable (although not necessary) in the Utopian Society of Ethical Men, that will arrive freely and in a different way, with a different mentality.

Given the developing circumstances, neo-Marxists (or *socialists*) have been forced to attempt to polish the basic doctrine in order to make it more presentable to ever more perspicacious audiences.²² The founders of communism, for example, did not beat around the bush, and clearly proposed abolishing the right to property. But today that sounds unattractive, to say the least, so anti-concepts are created which always end in violating that right, while attempting to lull us into believing a realistic conception of it is being actually defended. And, despite of all their practical failures, still they

ask us to wait perhaps a thousand years for the arrival of their paradise on earth while offering us only an intellectualized justification of the axis statism-aparticularization-usurpation today.

Notes

¹Eduard Bernstein argued for evolutionary instead of revolutionary movement, to wit his work *Evolutionary Socialism*. In addition to being the initiator of revisionism, Bernstein was the principal ideologue of the Social Democracy of his time.

²Engels, F., *Anti-Dühring*, Part I, Ch.VII, pp.209-210. Orbe, Editores y Distribuidores de Publicaciones, Havana 1961. Engels previously engaged in polemic with Dühring on matters of ethics because Dühring spoke of universal rules. Engels believed that morality varies according to circumstances; thus he referred to proletarian, bourgeois, and other moralities. We may not compare morality to science in every respect, by the way. Science is essentially the discoverer of ever newer concepts. Morality is atemporal; although as praxis is essentially historic, it stresses the methodological value of rediscovering the old. Science may deny something it previously asserted. Not so morality, at least not outside a praxical spectrum. Yet Engels concludes that everyone can admit and desire whatever he wants in these matters (Part I, Ch.VII, p.109). How is man then to find a reliable standard to guide and evaluate his conduct? All the while rejecting every attempt at imposition by Dühring, Engels would not hesitate to impose his proletarian criterion. He who accepts multiple moralities must also accept multiple truths, or at least multiple normative criteria.

³Proudhon, P. J., *Sistema de las contradicciones económicas o filosofía de la miseria*, Vol. II, Ch. XII. Biblioteca Júcar, Madrid 1975. It was this critique which prompted Marx to write *The Misery of Philosophy*.

⁴The thought of Engels on these matters may be found in several of his works, especially *Origen de la familia, la propiedad privada y el Estado* (Ch. IX, Barbarie y civilización, pp.181 and following. Editorial Mexicanos Unidos, S. A., México 1982). *Anti-Dühring* is also worth consulting on the matter: the assertion that the first great division of labor occurred between city and countryside can be found here (Part III, Ch.III, p.335).

⁵Russell, B., *Freedom versus Organization, 1814-1914*, Economic causation in history, pp. 197-200. W. W. Norton & Company, Inc., New York 1934. Russell develops a brief but well-aimed critique of economic causation as the single factor in history. As must be evident, and paraphrasing him, history may be seen in many ways, and many general formulas may be invented which cover enough ground to seem adequate, if events are carefully selected. That is, we may postulate that climatic changes are at the root of all historical events, and find seemingly adequate examples linking cause and effect in a plausible manner. This, however, must not be taken as an impossibility for establishing objective criteria of causation, as Russell's philosophy is prone to do.

⁶Reuten, G., and Williams, M., *Science and Society*, Vol. 57, No. 4, p.426. Winter 1993-1994, New York, NY. Under capitalism, such units may act separately in pursuit of their own interests. But since they are jointly affirmed

units of right, and their wills univocally redressed, social determination is guaranteed in all the relevant contexts. More than the value-form of economic categories, what bridges their dialectical confrontation is justice. Under communism, the units are bound by negating the first principle of nomocratic right, that is, through aparcerization. Engels would say that in a commune products are distributed with regard to tradition and needs. He seems to forget that the term tradition already says a great deal. Traditions arise precisely from at least an intuition of something that is worth keeping. We cannot discuss tradition without serious consideration of the ethical values of a people, and therefore of the aspects of right.

⁷Sartre, J.F., *Critique of Dialectical Reason*, pp.132-134. Verso, London 1982.

⁸This is the basic formulation of the double negation, in which *individual private property* (IPP) is said to be negated by *capitalist private property* (CPP), which in turn generates its own negation and ends up being abolished. Marxist say that IPP will be restored (affirmative outcome) since they define it as *scattered* private property, exemplified in the state of nature and including communal property (CMP). But this may be private property only by standards of arbitrary grabbing or universal allotment. The genuine of IPP is CPP because it correlates with objective criteria for legitimate particularization. Historically, a far better outline seems CMP negating the so-called IPP (anarchic property for the most part perhaps), just to be substituted by CPP. Rationally, the negation of CPP is generated externally and is equivalent to usurpation. And the only thing that CPP organically denies is aparcerization. Of course, the historical display of the recognition of private property and its denial can show us multiple negations, but corresponding to multiple dialectical events.

⁹Marx, K. and Engels, F., *La ideología alemana*, p.139. Editorial Vida Nueva, Buenos Aires 1958. The Messianic prediction of the inevitable advent of communism can be found also in the *Communist Party Manifesto*. "Communism," it states, "will be different from all previous revolutionary movements." It is a movement which sees itself as the end of history, when a single class will be formed, the proletariat, whose interests will not conflict in any way with those of the ruling class. Were the Soviet proletarians ever in agreement with the *Nomenklatura*?

¹⁰Given that economic activities or forms of human cooperation are framed within time, they must be the subject of history. But even the most simple economic structures constitute forms of social organization which include, even if in an unconscious manner, categories other than the mere economic ones. Consequently, the modes of production cannot determine the relations of production. The former are rather pure economic praxes: although they imply a division of labor, a hierarchy, and by extension a manner of distribution, such categories derive from the collective sense of justice, which is immediately intelligible only in the relations of production.

¹¹Marx, K., *The Portable Karl Marx*, "On the Jewish Question," p. 108. Penguin Books, New York 1983.

¹²Marx, K., *Ibid.*, p.106. Marx equates the political emancipation of the religious man in general with the emancipation of the state from religion in general, something that had already taken place.

¹³Lenin, V. I., *State and Revolution*, Ch.I, pp.8-9. International Publishers, New York 1983. Here he accuses socialists and Mensheviks of adapting to the petit bourgeois theory that the state could serve as a concil-

iator between the classes.

¹⁴Engels, F., *Origen de la familia, la propiedad privada y el Estado*, Ch.IX, p. 196. Editorial Mexicanos Unidos, S. A., México 1982.

¹⁵Engels, F. Ibid.

¹⁶Lenin, V. I., Ibid., Ch.I, p.17.

¹⁷Lenin, V. I., Ibid., Ch.I, 4. The Vanishing of the State and Violent Revolution, pp.15-20.

¹⁸Lenin, V. I., Ibid., Ch. V, 4. The Superior Phase of Communist Society.

¹⁹Lenin, V. I., Ibid., Ch.V, 3., p.78.

²⁰Lenin, V.I., Ibid., Ch.V, 4., p.83.

²¹Marx, K., *The Portable Karl Marx*, "Critique of the Gotha Programme," p.541. Penguin Books, New York 1983.

²²Others, as Reuten and Williams (Ibid., p.429 ff), assert that in capitalism the state acts, on the one hand, as a definer and upholder of *abstract* rights (principles), which demand the maintenance of the value-form of the economy, while on the other, it must intervene (welfare in a Capitalist Mixed Economy) to guarantee the reproduction of concrete rights (existence in particular), for which the state is separated from the economy and at the same time intervenes in it (*separation in unity*). If the reader needs more information on this, I advise him to turn to page 361. But it is apparent here that welfare, understood in the socialist way, is not a tool for bridging previous contradictions, but a contradiction itself of the principles of the system. In regard to legitimate subsidizing actions, they actually guarantee a genuine capitalist state of right as they relate to the formative support we all give to society.

CHAPTER XI

THE IDEOLOGY OF PRIMITIVE PEOPLES

Most of the writings of Marx and Engels make reference to an ideal model which is supposed to have existed in primitive societies. Everything rests on this model because subjects such as right, civil society, property, state, and others, are unavoidably related to the study of primitive societies, since that is where it all began. Little by little, the initial human families form clans, more heterogeneous as the societies grow older. When their development reaches the point that different ancestries or family lineages—gens, sibs, or secondary clans—can be distinguished, the tribe is practically formed. Tribes are of particular interest to us because many are said to have lived in a state of no government, which together with an economy that was a sort of collectivism has come to be known as primitive communism. Their analysis is difficult because historians have not gathered enough clues to decipher the organization of the first human societies, and because the study of those societies found today in a primitive state can serve as no more than a guide: they have already evolved, and we cannot assume that all societies developed in the same manner.

To Engels (from *Origen de la familia, la propiedad privada y el Estado*), primitive society was a model of perfection.¹ He based this opinion on three basic points: 1) the absence of the state, 2) a communal family and maternal right, and 3) communism of goods, which he arbitrarily infers from the analyses of the Iroquois gens by Morgan, and other similar

studies. I share the admiration Engels developed for the discipline, courage, and great sense of duty of some primitive societies, but I doubt they owed these qualities to the above basic points. Rather, they were rooted in the moral steadiness and spiritual strength which primitive man predictably manifested together with less admirable characteristics, just like today.

We must analyze, then, why those tribes warred with one another. If the savages were so noble and pure, if they shared everything, were not territorial, and were ignorant of property, why did they go to war? It does not seem likely that a moral offense or religious differences had led to all their numerous and continuous conflicts, especially in light of their relative isolation. This is where the myth starts to crumble, with intimations that the savage may not have been as noble as depicted. The extreme cruelty many primitive tribes exhibited toward the vanquished, the cultural subduing, the genocidal exterminations, and more, are all a fact. "In principle," Engels himself states, "every tribe was considered to be at war with every other tribe with which it had not expressly agreed on a peace treaty." Is this representative of a model society? It is well known the example of many tribes that were in an almost continuous state of war until they were brought together under a king or thorough some form of economico-evolutionary drive. And though not even this solved the problem over the long term because man cannot divest himself of his nature, it is certainly farfetched to assert that civilization is to blame for every human problem. There is no doubt that racism, the pursuit of unfair advantage, and the lure of booty, were all seeds of war. This puts a clearer light on *primitive communism*, where racism and the fear of racism often led tribes to view everyone else as the enemy.

Tribes warred over territory, among other reasons. Engels himself tells us, "War which in the past was made to avenge usurpation or in order to extend territorial limits which had become insufficient, is now made for no other purpose than plunder, and becomes a permanent industry." What a pity he is no longer with us so he could explain what was such territorial expansion if not usurpation, as when hunting preserves were invaded. Some peoples, like the Etruscans, exhibited a marked propensity for pillaging, and some tribes had such a

fondness for war that they often formed separate associations devoted to warring on their own; this must have led to expanded conflict more than once. Engels excuses pillaging on the basis that pillagers were separate from the gens. We may accept this, but then so must we accept that despots and civil society are not one, which they are not. In very primitive times, there was little that people could steal from one another other than food, raiment, or hunting weapons, but what a human group could steal from another is clearly more significant. We cannot justify any right to conquest based on mere formalities about social organization without inquiring into the motivation, meaning and consequences of such an action. All of the above points clearly to the primary cause of war in primitive times: economic gain. It was not necessary to denaturalize the gens for that, it was only necessary to steal. Disorganization of the gens came about because changing times made it obsolete. Even if so-called primitive communism did exist then, man did not acquire high ethical values as a result.

Much is often made of the fact that prison was an unusual resource then, and that savages incorporated the vanquished into their own, and that unlike civilized peoples, they did not take slaves. The former is probably due to practical reasons, for there was no absence of disciplinary action, from fines and exile to capital punishment. The latter is historically false, but when they actually did not, it is possible that at least in part it was because slaves were unproductive for purposes of immediate consumption, which is what savages were interested in. Incorporating new members into their group, on the other hand, could be a long-term benefit since it increased the supply of warriors; this is called annexation in modern times. The *noble savage* used to exterminate or annex the vanquished, an act which cannot be lightly described as admission to the tribe. But more important than that is the fact that modern civilized nations do not enslave the vanquished as a rule... with the exception of the communists. The Allies did not enslave the Germans or the Japanese at the end of World War II. They occupied their territories as was to be expected, but they did not annex them, and helped to incorporate them into democracy as free allies

instead. Where the Soviets entered, however, they raised an Iron Curtain.

Let us now analyze the three basic points of Engels:

1. Absence of the state

A serious problem confronted when discussing these matters is that it is difficult to agree on the proper criteria for distinguishing between primitive and civilized peoples. If we include culture in our definition of civilization, there is hardly a people which can be called primitive. It has been clearly demonstrated that the predominance of certain forms of the family is not an adequate criterion either. On the other hand, a proper state of nature (vulgar anarchy) or the so-called *egalitarian folk society* with diffuse sovereignty is probably more imaginary than real. There could have been no full development of the state in remote times, but its role there is performed by institutionalized traditions. In those tribes we can observe today which can be classified as most primitive, we can already discern the influence of a gerontocracy or of temporary chiefs. Even in the earliest stages, it is impossible to imagine an absence of cooperative human gatherings aimed at survival. And when this occurs, there must also be a delimitation of spheres, which serves precisely as a proto-institutionalization of natural rights. Now then, although criteria such as sociological localism and the bond between kingship and social function are useful, it seems simpler to define a people as primitive or civilized according to their scientific, educational (absence of writing), and organizational-technological development such as the degree of division of labor. Thus, we would find tribal societies in different states of economic primitivism, but also sometimes in a notable state of scientific development. It is not good to obscure the distinction between state of nature and primitive communism, term which should be restricted to the economic realm.

Tribal organization also used to grant authority to an assembly of the people when there was internal struggle, which gave rise to the designation of primitive democracy for these societies. However, this was a mechanism to prevent or to get out of a crisis, and elders, shamans and sages always

exercised an overruling authority. Iroquois tribes, for example, had a tribal and a *sachem* who represented them in a federal council. The latter had full authority, empowered to decide even in matters of war, an attribute exclusive of a full-blown institution.² Besides, certain secret societies, among whose goals was the conservation of the social order, are often found in very primitive societies. As opposed to the amorphousness alleged by Morgan, studies made by Robert H. Lowie show that rank was clearly defined and that well stratified social classes, even a middle class, could be found. In our American continent, the Incas had formed a great empire ruled by a monarch of supposedly divine origin and characterized by a fixed class structure. And yet, the state does not arise from a class division, but from an anti-anarchic ontological demand interiorised and personified in the *ksatriya*, which in turn constitutes itself as the ruling class. In any case, anarchic schemes would seem to fit extremely low consquential evolution. The existence of a patriarchal state in China has always been known, a gerontocracy seems to have ruled at the beginning, and the Shang dynasty is immemorial.

Something else in the work of Lowie on these matters is worth mentioning. When he analyzes the governments and laws which prevailed in these societies, he finds a wide variety. Some have no chiefs, but that is rare; and when that happens, they often have heroes instead. Others have autocratic governments, as have been found in Africa, Oceania and other places. Sometimes, democratic or feudal models are found. Most have very elaborate councils, empowered to promulgate laws and to judge. Tradition, however, rules most ordinary social interaction.³ The complexities and elaborations of the law which more civilized societies later found necessary did not exist in those times. The simple life made it easier to function through meta-legal praxes, such as giving one's word of honor. But the concepts of right and law were already etched in the minds of men. Sometimes, Lowie states, there is no central authority, and justice is in the hands of the family, to the extreme that death may be inflicted on any member of the family of a criminal by way of revenge. Justice was applied by one's own hand, and *vendettas* were the order of the day. We may assume that culpability was often difficult to establish in

the absence of sophisticated means, and so vendettas must have been responsible for the loss of innumerable innocent lives, as well as for enormous disruption of the social order. Lowie narrates that when a woman of the Upa tribe unwittingly burned a child in an attempt to heat water, the life of her own child was demanded in exchange.

As a rule, the absence of an impartial central authority which could correct distortions of ordinary social interaction must have caused real negative externalities, and that must have given rise to the full establishment of the state, that is, the central authority which already governed other aspects must have taken control of the internal administration of justice as well. Reason assisted Locke, not Engels or Marx. In other tribes, good judgment must have prevailed and the phenomenon of vendettas must not have exceeded the limits of natural law. A common praxical mechanism consisted in the gens of a man guilty of homicide offering presents to the gens of the victim in an attempt to avoid further bloodletting, and such offers were commonly accepted.

2. Communal family and maternal right

Engels bases his theories mainly on studies which Morgan made of the Iroquois culture, and on Bachofen, who asserted that all primitive societies had initially lived in a state of promiscuity. Such promiscuity would have made any determination of paternity arguable, so the more reliable maternal lineage became preferable, and monogamy started as a transgression of the sexual possession of all by all. Engels relished these ideas, of course, since he saw an opportunity for including the family, or more specifically, the conjugal society, in the mythical concept of primitive (or familial) communism.⁴ All the men were the spouses of all the women in their generational circle, that is, grandparents with grandmothers, sons with daughters, male grandchildren with female grandchildren: the so-called group marriage. A great deal of evidence suggests that the monogamous family, today called nuclear, is the most ancient in origin and probably the basic model from which all others derived. What is more, almost no one today accepts, even as a possibility, the existence of group

marriage. Other observed forms of conjugal society, such as polyandry, developed at least partly as adaptational phenomena, in that case in response to the scarcity of women.

According to Engels, filiation by maternal right was typical of savage and barbaric conditions while paternal right implied civilization. But sociological studies show that many primitive societies determine ancestry by paternal lineage. Engels asserts that for every stage in the social evolution of a people there is a corresponding type of family, the monogamous one being a creation of civilization; this has also been shown to be false. According to him, even the concept of (and our moral strictures regarding) incest should disappear. All this would not matter, of course, if it did not lead him to a conclusion. What would he infer? Simply that since savage and barbaric men were supposedly at a stage of primitive communism the family which corresponds to that stage was pure and noble, while monogamy was the result of class interests bent on establishing the right to bourgeois property and must therefore be eradicated. History does not support his conclusions: societies where paternal lineage determined filiation, and where the organization of the gens was patriarchal, have practiced primitive communism the way it should be understood. Conversely, the particularization of right is discernible in societies of matrilineal filiation.

The family has several functions: social, educational, for providing, for support, and as a source of authority. In primitive tribes, the nuclear family functions mainly at the most intimate levels of contact, while other activities are performed together with the extended family or with the clan. Some decisions, thus, are made at the level of the entire gens. Kinship is very important in tribes, especially for the protection of both person and property as well as for transmitting and safeguarding political and religious ideas, which later are based more on the nuclear family and on national ideology.

A basic aspect of family and family ties relates to the key question of who inherits. For the monogamous family, the answer is: those closest to the center of the nucleus. For reasons previously discussed, there is no better answer. In primitive societies, upon the death of someone, the clan inherits, although not always indistinctly. What is impor-

tant here—even Engels recognizes this—is that property should remain with the gens. In certain societies of matrilineal filiation, the children of a deceased father belonged not to the gens but to the mother, and were thus disinherited; they inherited together with the other relatives on the side of the mother, however, or directly from her. This clearly indicates that the concept of private property was already developed and established as a natural right, linked to the gens or clan. In other situations, inheritance is even more particularized. Engels avers that the abolition of maternal or uterine right was a great defeat for the female gender, and that the modern family contains the seeds not only of slavery but of servitude. What could be more absurd? It is known for certain that tribes have enslaved or exterminated other tribes regardless of how family and kinship were structured in the former. In modern societies, women are in no way set apart, being able to inherit from their parents and bequeath to their children. Merely consider the fact that seventy per cent of the wealth in the US is in the hands of women. In societies of matrilineal filiation, women determined kinship but men headed the clans, and men did not always treat women well. To Engels, the advent of monogamy made the woman the main servant of the house (an assertion he could not make today) without any role in social production. The highly important function of educating the children, however, has been mainly hers; if that is not social production, who knows what is.

Engels also derives adultery and prostitution from the institutionalization of monogamy. This is not only historically false, but even slanderous. Monogamous society has certainly meted women severe punishment for adultery, but that was also true for other family structures, and is no longer true today. Some ancient prejudices against women seem to have originated in a great respect for an elevated and idealized concept of her. This made her into the bearer of virtue, whose transgressions were punished. This conceptualization had to be accompanied by greater restrictions and responsibilities befitting the important role society had assigned her. Unfortunately, this has been too often manipulated to the detriment of her global social status.

To Engels, the basis of monogamy is social, not natural, and not a fruit of the mutual love of a couple. What is social, however, is natural to man; marriage may be seen as the encounter of nature with culture, as Levi-Strauss would say. But Engels relies greatly on the contracts agreed to by the parents unmindful of the will of the future spouses, their children. It is true that this occurred at one time, but the motive which guided this custom was to get all that they could for the children, not only in economic terms, but in moral, religious, social, and even medical aspects as well. It was the duty of the parents to make a good match for the children, and it was the duty of the children to respect the decision of the parents. It would be very much the same as misjudging the custom of purchasing brides, common in many primitive societies. Because of all of the above, no one can argue that civilized man sees woman as a simple means of production, as Marx asserted. But even more important, the civilized world knows love, the love of the couple which is the ethical basis of the family, and whose highest manifestation can only be found in the nuclear family. Marriage contracts undoubtedly stumbled on many difficulties, but when the rules were followed and believed in, love usually developed; at least that was the expectation. And while all this could be deemed a fiction, the same cannot be said of the many, many loving couples we see strolling on the thoroughfares of the free world. In due time, they will raise a nuclear family, authentic expression of love and natural law.

The nuclear family is not of economic origin; like every family, tribe, nation and man of honor, it protects its patrimony. The nuclear family is a veritable social micro-cosmos—and its rules genuine dialectical synthesis of its member's wills—it is justly awarded recognition and full rights with the passing of time. And even more, in practice, it has proved to have been a great spur for development. Property rests with it; so what is objectionable about that? What difference does it make whether the property of the deceased is inherited by four or five, or by fifty or a hundred? It seems far more natural to limit the economic unit to what is naturally the most basic spiritual unit. Group marriage does not seem to be emerging in Communist states, where (as opposed to primitive societies

and modern capitalism) the family is subordinated to the state in every way, and where both the individual and the nuclear family have been destroyed as economic units. All that rests is to destroy the latter as the forger of the social being and as basic unit of spiritual support.

3. Communism of goods

This is what would most characterize primitive communism. The assertion is that man was totally collectivist in those times, and that he was ignorant of all the economic phenomena known to civilization. Thus, he was unaware of trade, currency, inequality, and the right to property. There seems to have always existed, however, a spontaneous respect (below the level of awareness) for individual rights, which has made social life possible. This, of course, does not exclude the concomitant presence of a hierarchical guarantee of those rights.

The observations which attribute collective characteristics to primitive economies are usually very coarse; careful assessment reveals that collectivization existed only where it was strictly necessary for survival. Goods tended to be basic and scarce in those times, and almost everyone contributed equally to production given the simplicity of their economic activities. In such a situation, it is easy to deduce, distribution also tends to be equal, perhaps originating a solidaritarian supraeconomic unconscious consensus needed to survive. But circumstances where property has been partially collectivized seem to have coexisted not so much with a diffuse sovereignty or anarchy as with well-established aristocratic and monarchic systems of government, that is, in the midst of a full civil society. So it is difficult from now on to attribute to the central government, as Engels alleged, the goal of abolishing collective gens rights.

As Adam Smith rightly conjectured, the individual—the family—as initial economic unit must have existed first; every collectivized aspect of the economy takes place later, above all, we can be sure, as a phenomenon of adaptation to adverse circumstances and scant resources where the priority is to secure a basic universal welfare, such as when there is a need to share water in the desert. Collectivism may well

acquire the force of law in these circumstances, because society cannot allow its members to die for lack of shelter or nourishment, or to turn to violence in desperation. Basically, however, the criterion followed is ordination and functional, socio-biological, or purely economic, that is, in the sense of adaptational organical behavior before scarcity. No legal-socio-economic criterion is ever implied which would deny the right to private property. When the right of the gens, the classic form of right of primitive peoples, appears, collectivism is denied, because the former constitutes no more than a familial right.⁵ And within such sphere, collectivism is not total either, since even the degrees of kinship determine differences in the distribution of resources.

Lowie shows that territorial ownership is clear in many primitive societies, and that property is rarely, if ever, communal; what is found is joint ownership of property by family groups, sibs, and others. In most cases there are shared goods and also individual goods,⁶ such as self-made weapons, a private sleeping spot, and others; this, let us note, applies to consumer goods as well as to production goods. There are even cases where all the land is individually owned. In the islands of the Torres Strait, for example, he finds that even each stone is individually owned, and that property may be turned over to others, given as inheritance to (or taken away from) offspring. We conclude, then, that when the collective ownership of goods is no longer necessary, man rejects it, institutes first the right of the gens and then individual right, thus inaugurating another stage of social life.

The idea that there once was a communism of goods has found support in the early phenomenon of common production. But it must be clear that the latter was the result of a primitive economic stage. Later, the responsibility for production fell on each family group. In other societies, the factor of tradition weighed heavily on keeping practices, but given the existence of different branches of production or labor, not everyone was accorded equal social status and benefit. The limited development of (political) individual conscience must have been the main factor in what development there was of collective behavior in primitive society. But collective behavior may have also come to the fore as a response to the chal-

lence represented by rivals for the possession of scarce goods, provoking a militant reaction in man (following Spencer) or perhaps leading man to act with *mechanical solidarity* (a la Durkheim). And it is custom which perpetuates the phenomenon as a traditional good, and which explains the resistance to change.

It is worth noting that even though it is not immediately apparent, there is still a great deal of common ownership today: the country itself, social services, much of the economic infrastructure, institutions, and the wealth derived from taxation, are all common property. But since there is no evidence whatsoever that the survival of groups living under free economies is threatened, collectivism in any shape must be rejected, and the free economy must be allowed to function because it is better adapted to natural law. For this reason, even if all primitive peoples had a doctrinal affinity with communism, that would not be a compelling motive for us to follow them. It is true that primitive peoples were quite conscious of the problems which could derive from the accumulation of wealth. There were even ceremonies, quite mystical in tone, for redistributing or even destroying what had been accumulated. We must remember, however, that those who benefitted from redistribution acquired obligations toward those who were affected by it; and destroying the wealth was a sacrificial offering to the gods. How admirable was the example of those primitive peoples! Perhaps arbitrariness, but never cheap rationalizations! Today, on the other hand, rather than the acknowledgement of an obligation toward those affected by exceptional redistribution, we witness the creation of doctrines of anti-concepts in order to justify despoilment without having to express gratitude or pay just compensation.

The property of the clan was deemed to belong to every one of its members, while excluding the members of all other clans. The rights were theirs, the wealth was theirs; wealthy Russians, destitute Chinese, rich tribes, poor tribes... what kind of communism is that? Admitting the slightest particularization of right contradicts the spirit that should characterize communism. But if we hold, on the other hand, that barbarian production was destined to a common fund, we cannot hold at the same time that man owned what he produced. The

ideology that leads producers to own what they themselves produce is not lost, but rather revived and modernized in contemporary capitalism. Anthropologico-ideological analysis shows that it might be more accurate to categorize primitive societies as capitalist, obviously under a capitalism adapted to the times.⁷ Not going quite that far, we might at least classify them as belonging to the reason-individualism-mysticism-capitalism axis. Closer to modern capitalism and unlike communism, for example, interchanges in primitive societies were freely determined, rights were particularized (especially when it came to the family), there was no statist infrastructure, or any conception of class struggle, and so on.

Except in the most complete sense, the particularization of right does not by itself guarantee an adequate administration of justice. In primitive societies, however, there was little internal (centrally directed) usurpation (and tyranny). Probably close kinship, a diffuse army organization, but above all a strong allegiance to the second principle of nomocratic right offset any statist tendencies. Obviously, a market as elaborate as that of today, and production by means of financing and well-established enterprises, could not have existed in primitive times. All this is secondary to capitalist doctrine; what is basic is that the resources (such as capital in modern days, and weapons in ancient times) be owned by those who are assisted by natural right. The market is a means, not a principle, and may, like all means, vary according to the times; each culture will find its praxical mode of institutionalization.

Man adapt his mentality to the epoch, but he cannot negate its basic drives. Modern capitalism began to appear in the sixteenth century. What characterized capitalism at that time, however, was only the entrepreneurial mind, and the greater and improved financial use of money. But even though money came to be accumulated in the hands of the leaders of large-scale mercantile production, from an ideological standpoint there is nothing that money can do that any other type of wealth cannot do. Man had long been using the same basic mechanisms in order to increase his wealth, although obviously with a different practical purposes as allowed by the times. Some people, such as tradesmen, could not have existed in primitive societies: buying in order to sell

at a higher price is an economic activity which requires a number of factors for its appearance. The analogy, however, exists. There was a limited room for accumulation and economic progress in primitive societies because of their own economic underdevelopment. The goal of bartering, however, was still to obtain greater relative value. Also, in early days exchange must have been limited, basically because it made no sense to have the same type of items changing hands. Yet on the other hand, currency was already known; the first coins were objects supposedly imbued with magical properties, ornaments later acquiring a more preponderant role. When objects with a fixed exchange value begin to circulate, currency is already well established.

Archaic forms of commerce, such as Kula trade and the *potlatch* phenomenon, have been discovered. Gifting, not bartering, is said to have been the first form of commerce, but it is well known that donation was a mutual affair; even if one intent was to flatter, it was somehow guided by principles of equality and justice. Otherwise, conflict and resentment could arise, not unlike interaction among children. All of those economic activities did not occur as we understand them today. Rather, they were imbued with spiritual or magical content. Notwithstanding that, however, one did not give without expecting something in return. Tribal societies, of course, did not know of mortgages, just like they did not know of jets or high-rises, but they were very conscious in honoring their debts. According to Engels, when shepherds appeared on the scene, they began to exploit others because they controlled the meat and the milk (both of which had great exchange value), a situation which later degenerated into the master-slave relationship.⁸ It is well known that slavery originated mostly in war and piracy; what the shepherds took advantage of was their inventiveness and creative work, all well within capitalist principles.

Taxation, as we have said, was already a feature of very primitive societies, applied to foodstuffs at a time when that was the principal form of wealth. Even though, as time passed, tribute might have become more *anarchic* when each clan provided for itself, it became centrally demanded once again as society grew more complex. There are very clear instances of

tribute being exacted by the community in tribal societies: Lowie tells how the first to sight a beached whale on the coasts of Chukchi is awarded the bones, and his right to those bones is protected; the meat, however, is shared. What shall we call this if not private property and taxation? Goods are awarded in recognition of individual labor, and a portion of them is redistributed. The unwary will conclude that the society is a communist one, because what is evident is that the meat is distributed. The bones, however, are useful, and he who steals them from their legal owner may even risk capital punishment.⁹ Even in these societies, then, communal spirit would seem to indicate a tributary mechanism for the joint labor of society, thus manifesting not a communist mentality but one of dialectical bipolar affirmation.

It is this last fact which argues most strongly against the existence of primitive communism. Let us remember not only the religious narratives but also such phenomena as the use of goods in making reparation for insult or injury, the purchase of wives, the payment of tribute to hierarchs, and others, which must have made for small differences, which in a society scant in resources must have seemed great. The very act of payment as a means to make amends—the possibility of keeping it, that is—signified a respect for property different from those of communal right. It is curious that communists have not labeled this practice bourgeois.

Notes

¹Engels, F., *Origen de la familia, la propiedad privada y el Estado*, Ch.IX, pp.181 and ff. Editores Mexicanos Unidos, S.A., México 1982.

²Engels, F., *Ibid.*, Ch.VII. In his analysis of Celtic and German gens, the author attributes great power to the assembly of the people, but Engels himself recognizes that the governing councils could impose decisions, even against the will of practically the entire gens.

³Lowie, R. H., *Primitive Society*, Ch.XIII, pp.358 and ff. Liveright Paperbound Edition, New York 1970. Lowie provides numerous examples of clear governmental organization in primitive societies, but the careless observation of others has proclaimed that government was absent there, on the basis that justice was administered by and among the people involved. In Australia, he states, gerontocracy and the exclusion of women from power are common (p.359). And in Oceania and Africa, he continues, most tribes have well established governments of various types. Morgan would have us believe that kings could not exist in barbaric states or in groups organized in sibs, which Lowie refutes with multiple examples—he has even confirmed

the existence of monarchs and aristocrats in early savage societies (p.389). In Uganda, Lowie tells us the class distinction of certain tribes is so extreme that members of certain very low-ranking sibs can never aspire to the monarchy. And in order to demonstrate that this phenomenon is not related only to monarchical organizations, he also cites examples of discrimination among tribes where power is organized along democratic lines, such as the Masai and certain North American tribes (p. 390).

⁴Engels, F., *Ibid.* The subject is discussed in great detail in Ch.II, pp.31-93.

⁵Parsons, T., *Emile Durkheim, 1858-1917*, The contribution of Durkheim to a theory of integration of social systems. The Ohio State University Press, Columbus 1960. Parsons shows that primitive societies assigned resources among their significant structural units, each of which controlled the factors of production on its own, with little interchange, especially in the case of labor (p.129). Actually, this is true for all societies. What varies is the units: in modern capitalism, enterprises are very important; in societies where the right of the gens predominates, the ones Parsons refers to, the clan is highly relevant. Thus, the social possession of assets is never institutionalized as such, and refers only to those units, as Lowie and others have also demonstrated. The description by Parsons of Australian primitive society in *The society, evolutionary and comparative perspectives* leaves few doubts in that respect.

The bond of social structural units to things may seem more conspicuous in tribal societies; that, however, is because there is less internal barter. The principal manifestation of such bond in every society belonging to the natural axis of life is not the absence of commerce, but the right to property over things. Thus barter, which became generalized later, expresses the same right to property manifested in the form of a voluntary mercantile exchange of possessions. This is obviously favored by the division of labor, as Parsons correctly points out, but saying that such division frees the above-mentioned units from their bond to things is not to be taken the socialist way, since property is not denied and it does not seem correct to speak of freedom from rights. The bond between things and ordinary men (and legitimate institutions) is only broken in societies leaning toward the anti-natural axis of life.

In regard to labor or the force of labor, its commercial use is neither necessary nor conceivable when all economic activity produces practically the same things and may be performed by everyone in more or less the same way. In very primitive societies, the conditions did not require hiring labor in order to make things run better; such conditions arose especially with the subdivision of labor, spurred by technological advances.

⁶Lowie, R. H., *Ibid.* The author illustrates perfectly how the existence of certain economic phenomena has been interpreted as communism although they belong to a separate category of social thought (Ch.IX, pp.206-208). Some missionaries with scant knowledge of these matters pinned that label on the Kai of New Zealand, although Lowie proves that they have a strict code of right to property—not evident except upon careful observation, however. On page 323, I quote a fine example Lowie gives us on this matter.

⁷Perhaps something like this is what Marx had in mind when he saw a first negation of property taken place between individual and capitalist private property, the former supposedly existing only in civil society, that is, private property fully institutionalized. As we said in the previous chapter, the negation here is not of property itself, but of an arbitrary or anarchic form

of possession. Thus, between an spontaneous form of private property—the most unelaborated form of relevant praxis towards the satisfaction of need—and socially accepted private property—being both subsequent praxes of the value property—a reciprocal negation could be said to exist, given that both correspond to different and conflicting spiritual dispositions. Within a praxical spectrum, however, a contradiction seems to overlay the concept for all the praxes are meant to uphold the same value. It seems that here the term contradiction should be limited to certain determinants of the praxis, that is, to those which cause the right of property to be guaranteed and those which will have it restricted, altered or denied.

⁸Engels, F., *Ibid.*, Ch.IX, p.187. According to the author, the division between manual labor and agriculture was also influential.

⁹Lowie, R. H., *Ibid.*, pp.209-210.

CHAPTER XII

MARX ON ECONOMICS

Before delving into the matter, let us make a few things clear: Marx has been seen as the pioneer of the humanization of labor, just because he offered an apparently objective formula explaining how the private ownership of the means of production led necessarily to exploitation of the working class. In truth, such struggle is as old as humanity, and has known better representatives than Marx. Most often, however, what we have witnessed is a pursuit of the statist axis of life. That is the case of Marx, who fought not so much for the workers as against the bourgeoisie. In order to understand him, we must attempt to put ourselves in his shoes, having to depend on Engels for his subsistence, and contemplating the problems of the industrial society developing in his time. He pointed to an entire class as the enemy, however, indicating that his ideas were always more motivated by hate than by an authentic desire for justice.

Every Marxist economic argument in the analysis that follows has already been challenged repeatedly. Thus, discussing again such argument might seem out of place, and perhaps excessive given our reasoning so far. But one of the most important targets of this chapter is the young reader on Marx. I hope that disproving step by step Marxist theories on the basis of nomocratic economics—something that had not yet been done, as far as I know—is able to redirect their minds.

One of the greatest differences between Marxist and capitalist criteria is that, in the capitalist system, everyone who participates in the productive endeavors of the community is considered a worker, while Marxists have invented a working class. Laborers and campesinos are simply hired labor; everyone is a worker. The matter of capitalist produc-

tion is another point of conflict. Marx spoke of production, distribution, exchange and consumption as one whole; a specific mode of production, he says, determines a specific mode of distribution. Capitalism, according to him, emphasized production too much and distribution too little.¹ This is not so, as we have seen, if only because production without distribution is economically unsound. Given the typical structure of the capitalist production mode, distribution through free contract is implied right from the production stage. But that never results in fixed distributive ratios of any sort. The mode of production by itself can determine only organizing and functional aspects of the mode of distribution. But technical aspects are hardly our concern here. In the socially significant context, there is no such a determination: both conform to the prevailing framework of right.

In a few words, from *Alienated labour*, Marx asserts that product is the objectification of labor, and its appropriation by someone other than the producer alienates it. But if the natural social form of the products of labor is that they remain with their maker, it is contradictory handing them to the state, for the state is only a particular unit of right vis-a-vis the individual. The direct relationship between labor and its product, and between the worker and the objects of his production, is a concept which must imply owning the product. And being able to sell a product or renting out labor is a libertarian corollary of owning them. Thus, the worthy goal that the products remain with the producer is exclusive of capitalism. As we have seen, in this system the products also remain with the worker, only that, as a matter of contract and practicality, he is accorded his share in money. All the verbiage with which Marx attempts to demonstrate the evil of labor being external to the worker, or that in this way labor denies rather than asserts itself, is no more than bad philosophy.² The only dialectic of appropriation refers to its legitimacy; in itself, if it took place in a social milieu in the proposed fashion, appropriation would be a pre-moral act. And whenever it conforms with parameters of right, it bears no conflictive contents with the whole, for it is in right where the overriding forms of social organicity lie.

In speaking of the fetish of money, Marx says that people think that things are exchanged for money or for things that

are worth money, when what really changes hands is human labor incorporated into the products. And what if it were so? Whether I am paid for my work in coupons worth forty hours of weekly labor, the equivalent in money, or consumer goods of the same value, I end up the same. Smith could not have been clearer on that. When a medical doctor graduates, he receives a diploma accrediting him as that. This diploma may get him a job upon presentation to a hospital because it is recognized and accepted as representative of a value, the medical knowledge he has acquired. No one credits the diploma with that knowledge. That is exactly what happens with money.

Labor is bought and sold in every system, but there is only one fetish which truly alienates labor: aparticularization. To Marx, when man alienates his labor, 1) he alienates himself, his nature, and his intellectual activity, and 2) he alienates other men and brings himself into conflict with them. This is what many call the dehumanization of labor. When a man appropriates the products of his labor, actually alienating them from other men, he asserts himself as a subject of right and as a being distinct from the rest. And when he turns them over to others in voluntary exchange, disalienating them, he reasserts himself as a communal being. Appropriation projects to the common good whenever it abides by a moral code of alienation, which is precisely how we share in capitalist society. Marx explains that when man made the transition to civil society he alienated the labor which used to be social property, and in the form of appropriation he created private property.³ We have seen in the previous chapter that this is historically false; but even if it had been true, what occurs previously in time is not necessarily right. Locke already pointed out that were it not in the nature of man, from his savage beginnings, to appropriate things, he would have had to beg the approval of all mankind in order to consume a single orange. Labor is more alienated the more it is distanced from individuals. This does not contradict the assertion that labor becomes social property only when it is displayed in the organic fashion we have referred to, since as we have also discussed, this means that it must be the property of each and every individual.

My comments will be devoted to *Das Kapital*, and basically to its first book, because it contains the essential general

principles; the others are more the province of economists. The analysis which follows will demonstrate certain basic fallacies of Marxist theories, which will necessarily lead us to an appreciation of capitalist values. I must warn that the figures, units of weight, and units of exchange, have been expressly taken from certain special editions (following the metrical system), for the sake of clarity and simplicity. The content, of course, does not vary from the original text.

The nomocratic parameters of value

Marx begins by analyzing commodities, and we will agree that a thing is only realized as a commodity when it is exchanged. The term value, in its usual and natural ideological sense—which is the one I will use here—is identified with everything which is appreciated by man or which is of some usefulness to him, whether it is for exchange or consumption. But the theories of value derived from classical British economists unnecessarily complicated things. It is generally accepted that everything has two kinds of value for man: use-value and exchange value. Use-value refers to the quality of things in themselves in order to meet our needs, and exchange value is what we must pay in order to obtain a thing. In speaking of use-values, Marx alleges that in many cases they are not values, meaning that they are not commodities for which something must be paid, and have no exchange value, such as air, unrecorded firewood, and natural pastures.⁴ The difference with use-values which are truly values would lie in that labor has been added, transforming them into commodities. Water in a river, for example, is not a value in the sense described above; but if it is carried to the fifth floor of a building, it gets an exchange value because labor has been added to it, and now it must be paid for.

What would characterize commodities, then, is that they contain accumulated labor,⁵ although it is added that a commodity is a commodity only if it is exchanged, not if it is meant for personal consumption. As we will see, this is so in the context potentiality-actuality, not as a basic economic split. Marx asserts that the (exchange) value of any one thing is represented by the labor it contains, and even more, by the number

of hours which it has taken to produce. Marx thus identifies the term "value" with the amount of labor added to things (a concept derived from Smith and Ricardo), and sees value only as performed labor and product as constituting *only wealth*. That is why it is concluded that if two dresses are made in the same time it takes to make another, the value generated is the same, and the two dresses will be worth the same as the one it took longer to make.⁶

But a clarification is in order at this point: the term "wealth" in general usage refers to things or conditions which are useful or beneficial to us, the economic concept being more related to subjectivity than to observable or intrinsic qualities in things. For example, the capacity to produce an effect gets a trading power only if man deems such a capacity worthy. In that sense, everything which constitutes wealth also constitutes value; the greater the esteem for something, the greater the wealth. The disadvantage (or advantage, according to the point of view) is that wealth then also takes (among others) sentimental and cultural worth into account, although there has never been any confusion with material wealth or its representations. Besides, wealth is more often used in the concrete sense, the asset itself, while value represents an abstraction which man makes of the comparative utility of assets. This seems to be more integral than to set value at the point where the incremental use of a good or a service is not desired (the Austrian marginal utility based concept).

As economic science advances, the search is on for purer and more objective criteria, meaning more independent of the general philosophical context. This has led to contemporary constructivist and macroeconomic concepts, which we will leave to the Austrian school to deal with. Value came to be related to the rate of exchange of commodities and to the amount of wealth in a competitive system, and wealth was defined as everything which is useful and pleasing and has an exchangeable value (to paraphrase Mill), with the exclusion of those things which can be obtained in any amount that we desire without any work at all, such as air. Mill warned that political economics could not use words in the same sense as the philosopher or the moralist. As long as we keep in mind

what I said earlier, considering air (and other such things) as wealth should not be an obstacle to the proper understanding of economic processes. Mill's definition of wealth includes commodities. But he kept the split because he overlooked the basic reasons why air fails to constitute a commodity, which have to do with the fact that it belongs equally to everyone. Let us be satisfied with that for the moment.

We can now return to the matter of the dresses. In the mind of Marx, independently of variations in productivity, equal work (equal in time) generates equal value, and greater productivity only makes it possible to produce more objects, increasing material wealth only, not value.⁷ In this discussion, when we refer just to value we will also mean exchange value, because this constitutes the basic form in which the first manifests in mercantile terms. In order to oppose *bourgeois economics*, classical economists in England saw (exchange) value as something superimposed on a material base which, for some unexplainable reason, possesses no value at all until work is performed on it. This catastrophic error of political economics is picked up by Marx, who attempts to buttress it on the basis of the *twofold character of labor* represented in goods, which are also seen as deprived of any intrinsic exchange value.

When a greater number of items is produced in a period of the same duration, it is obvious that the new use-value acquired by and added to each one has to be approximately the same, assuming evenness in the quality—other than the fruitfulness—of the work. Thus, as long as other factors such as the quality of the raw and added useful characteristics remains unchanged, we could expect that the value of each unit produced—measured, as with any commodity, in relation to its exchangeability with others—will remain the same. Now then, having generated more such items, it would seem reasonable to expect a greater total exchange value. It is here we are told that wealth has no such value. The above points to the existence of an objective use-value standing for measurable potentialities or effects of things. However, it is unthinkable to conceive of it as apart from man's subjective evaluation about its ability to meet his needs, which brings in the play of the demand.

The next step consists in disqualifying the quality and the different types of labor as sources of exchange value in commodities, and attributing such value to simple or abstract human labor—devoid, that is, of any specificity except that it represents an expenditure of human effort. But it is not made clear how the effort expended in complex labor is to be equated to that of the simple kind, given that a lesser quantum of the former is equivalent to a greater one of the latter. In any case, to Marx the different qualities of labor are constitutive elements only of use-values, while labor abstracted from any specific quality is constituent of exchange value. The same occurs with increased productivity, where simultaneously with the increase in mass of use-values there is supposedly a decrease in their unitarian magnitude of value. Because more productive labor reduces the amount of time of a so-called abstract labor needed to produce use-values. Therefore its quantity, contained in each unit of use-value, decreases although the total magnitude of value remains constant.

Let us now subject the above premises to critical analysis. First, according to our introductory criteria, value increases in the same proportion as wealth, and vice versa. How then are we to explain the commonly observed fact that when the number of objects of utility increases their total exchange value may decrease and even disappear? Simply because when we make wealth equivalent to value it is in reference to the way the former manifests to the human spirit, that is, as something worth keeping, and more specifically, as use-value. Thus, not every material object constitutes wealth, and nothing obligates us to continue appreciating it in the same way that we did before. That is precisely one of the causes of bankruptcy in commercial production enterprises. Continuing with our investigation, we discover that taking only labor into account as a determinant of exchange value makes it impossible to explain why, as it often happens, the price of an article increases even as the time necessary for its production decreases and its numerical supply grows. The opposite is also true: as we have seen, in economic dynamics the market demand implies the exercise of an effective socio-mercantile power, that is, a price offer. If labor were all that needed to be taken into account, the relative value of such an article with respect to its

equivalents, or its price in money (which is simply the common form of value of commodities), would also have to decrease. As is to be expected, then, there is no other recourse but to assume some form of exploitation inherent in the mercantile processes. What is begging for consideration is that some other factor (or factors) must be reflected in what we define as exchange value. And as a matter of fact, in the case stated above, the reason for the increase in price or exchange value of the commodity might be due to an increase in its demand, up to the point that it offsets the tendency of its exchange value to decrease as a result of reductions in the marginal costs of production. This is because by its very nature, such value takes into account everything which is worthy of social estimation, including not only economic factors as the labor contained in the objects, but others related to the prevailing sense of justice. The latter constitute the collective determinants of value. Now then, excepting in the state of nature, where man simply goes and grabs things, he recognizes in every social order where property has already been assigned, that he must give something in return for those things which are either useful or pleasing to him but belong to others. And in this, labor has nothing to do with the creation of exchange value, which appears as a pure correlate of duty.

All of the above makes clear why the concept expressed by Marx in the example of the diamonds is totally inadmissible.⁸ According to him, diamonds are expensive because it is difficult to find them, and much work is expended on that because they are scarce. Certainly their value would diminish if they could be mass-produced. But diamonds are of great value and constitute great wealth by virtue of their beauty, other natural properties, their scarcity, and only to some degree because it is difficult to find them. This last factor is important because it enters into the costs of production, but assuming that they are indeed very rare, they may be found right on the surface today without becoming as inexpensive as bricks.

The concept of socially necessary time in reference to a product must be one relative to the average working time needed in a given society to make it. In truth, no such a concept exists from an ideological standpoint, except in a mere mathematical sense. Within this scope, we might aver, for the

sake of illustration, that such a time determines the value not of the product but of the wages, which tend to become uniform not so much in terms of working time but (to a large degree) in consideration of the non-creative and routine quality of average labor. What kind of doctrine is this which dares to propose that the labor be remunerated on the basis of an arbitrary measure of wear and tear? Because no one knows for sure what the cost of each quantum of simple labor is for every human organism. Of course, the purpose has to be to deny merit to creative labor and to even out individual economic achievement as far as the theory can be stretched. And this, a flagrant violation of all the principles of nomocratic right, will later be termed humanization of work!

If on a desert island a man works on some material medium and changes it for his benefit, what does he add to the raw material? Plainly and simply: useful qualities, use-value. Well then, it is no different in society: what is added is never exchange value as such, but use-value, labor-added wealth if we will. Except that in this case, we can take advantage of it in order to obtain something else. But the same is true of previously existing use-value—that is, all of it is incorporated into exchange value. Of course, there is what we know as quantity of labor, but never separately from the attributes of the latter; an hour of labor will always be more than that: it will be an hour of master painting or an hour of sketchy drawing, an hour of loving attention to detail or an hour of absentmindedly going through the motions, and so on, because nobody strives just for the sake of striving. The most important thing that Marx has to say to us is based on a double dichotomy, that of value and that of labor. The first one assumes that there is an exchange value which is somehow mysteriously created by labor apart from any useful quality inherent in the things themselves. But if it is precisely such useful qualities which men value and for which they are willing to trade, how is it that use-value has no inherent exchange value? The dichotomy of labor says in short, that there is a kind of *abstract labor* representative of an equal human social work. This labor is the one which determines the exchange value of a thing in terms of the time required to produce it. So if in the same number of hours a worker produces one unit and other worker, or a factory, produces

ten, their use value would be different but their total exchange value would remain the same. As it must be obvious, the goal behind such a construct is to disregard the value of entrepreneurial creativity.

Our conception that labor acts in an integral manner in order to produce an integral value does not suffer from the abovementioned serious contradictions. When we referred to routine and creative labor in a previous chapter, let us note, we did not dichotomize labor, but instead evaluated its global nature in a different manner. A distinction is justified in this case because routine labor only reproduces wealth in arithmetic progression, while creative labor may do so exponentially in the unit of time. Hence the concepts of capitalist justice.

Commodities undoubtedly have a natural use-value, and, besides, a use-value aggregated by the changes brought about in them by man. The use-value of an article tends to vary less than its exchange value (which may even change from one day to the next), but it may do so because a new application is discovered, or because the need it meets is suddenly better met by something else. Oil, for example, had little use-value not so long ago. Things are different today, but its use-value may disappear tomorrow with large-scale development of solar or atomic energy. Within the classical theory of price, scarcity was also practically dismissed. Ricardo, for example, limited it to rare wines and great statues and paintings, which are simply extremely rare. The scarcity of many (more or less) commonly used commodities: food, housing, services, energy resources, and so on, is a common phenomenon. Earth potentially provides everything we need, but its resources have not been exploited to the point that scarcity is eliminated. We do not need to go beyond the economic context here: and within this, scarcity will always tend to generate at least a sectorial competition for the scarce goods, so price is subject to constant adjustments. That is why prices are said to fluctuate above and below values. But the statement is confusing, since what really fluctuates is the rate of exchange of a commodity with respect to another commodity or to money.

In socio-ideological terms, and in the framework of a free economy, price is a *praxical economic construct of right*, the economic correlate of a synthesis by contract of two polar wills

over goods. Thus, price bears an ethical content, so much so that tradition and the sense of justice of the group can exert substantial influence upon its level, up to the instance of institutional determination of prices. In economic terms, the exchange value of something denotes its market strength, that is, what on the basis of its supply and demand—which we can consider as an integration of all the factors which determine the exchange rate between some things and others or between them and money: the labor content, their expected market performance, their availability, their use-value, etc.—it can get its owner in different kind. Use-value, then, cannot be conceived as something apart from price, as Marx held; it is actually another of its constitutive factors. This, let us note, can even accrue to nothing since the value of a thing can be something entirely personal, while its price must result from an agreement. The subjective sphere of value is much wider than the purely economic one. The dichotomy of value collapses with this, and it becomes clear that the common form of value of commodities—that is, the form of money—is not in any way opposed to their natural use-value. The price system acts respectively as a social expression and as a limiting mechanism of the wills over things.

Before we proceed, we must mention another unnecessary complication Mill added to these matters, since he even differentiated between exchange value (or, in his language, simply value) and price.⁹ Such distinction is forced, because the exchange value of something—its general capacity for purchase, as Mill defines it—increases or diminishes in the same proportion as its price in money. If money is precisely a standardized means of exchange, making a distinction between price and exchange value seems convoluted. The distinction becomes harder to hold when we realize that the price fluctuations brought about by such variables as supply and demand, or the effect on the market of different social phenomena, match the exchange rate fluctuations. And this saves us the trouble of having to discuss the forms and interrelations of the value of commodities—that is, how ones are expressed in function of others which act as equivalents, such as money. Because the equivalences therein expressed are always of integral social value between some commodities and others,

which is already set in and by the price system. Of course, the social value of things will not change as the result of a devaluation or reevaluation of the currency: currency continues functioning unaltered as a common standard in the measurement of such value since it affects all commodities to the same degree. The inescapable conclusion of those who ignore the natural parameters of value has to be that some things have a price although they are not commodities, and that other things have no value although they have a price. Thus is economics made clear! For us, price is the special way of expressing the exchange value of something in money, and labor content is simply labor content.

Mill wrote that conceiving an exchange value greater than use-value implied a contradiction, perhaps giving prominence to the attainment of fulfillment or subjective need as the motivators and regulators of purchasing. But the whole is always bigger than the parts. In any case, we would have to assume that if someone were in extreme need of a plate of food, the price of its utility might rise to one million dollars if that were what the starving person would be forced to pay. It seems to me that Mill incorporated craving, need and demand too much into the concept of utility. On his part, Adam Smith thought that the price of an object was determined by the work involved in making it, and by the cost of acquiring it. That is redundant, since it introduces a contextually unnecessary division between the two latter factors.¹⁰ Let us note that the above issue of the plate of food exemplifies an abuse of the effective socio-mercantile power, which in terms of the market for the products expresses the measure to which each of the parts has acquired socially significant economic values, and which is balanced whenever it protects against coercion, no matter its numerical value.

The price of things is a function of economico-moral worth; use-value is more related to biological and functional aspects, and only when considered within exchange value—or in a pure humanistic sense, irrelevant here, can it be said to be imbued with ethical connotations. Exchange value, or better, a price system, allows us to identify legitimate interchange fundamentally on the basis of a balanced effective socio-mercantile power allowing each trader to achieve what corresponds to

him according to the objective social value of his product or possession. The price system—insofar as it is determined by the play of supply and demand—is a pure economic fact in daily social dynamics, and within this sphere it does not show any immoral display. For the availability of goods is simply a natural fact which calls for bidding. The allocation of products thus resulting does not discriminate among persons as such, since is based on the intelligible value and the basically legitimate pursuit of getting the best possible deal. Moreover, here prices become determined not by isolated economic units or by whim but according to the prevailing macro-economic framework. And as price fluctuations also reveal a consumers' new estimate of the worth of the labor content, there is no dismissal of merit at any moment but rather a praxical reappraisal of it. Thus, only consumers can decide whether they will agree to pay more for something which today takes more work to produce, or for something they find more attractive today, even though the labor content is unchanged. All of this, of course, in proportion to what need they may have of it and to the related budgetary considerations. Summing up, establishing new exchange values does not mean that things are not sold at their real worth. In the market, even ephemeral considerations of esthetics or fashion are important, and so are particular tastes, relative advantages, and the expectation of fulfillment through the acquired goods. All of the abovementioned determines that new exchange levels are accepted every moment, or that the same commodity may be priced differently according to local market circumstances. Nomocratic trade always implies the transference of equal values among the parties involved. Things may be sold above or below their real worth when there is forced unfair-advantage trade, a phenomenon which is not a natural consequence of legitimate market mechanisms. But establishing new equivalences is far from everyone defrauding everyone; radium was worth nothing in the Stone Age, yet it buys plenty of bread today. And if scarcity were not important, water would be equally valuable at the edge of the Amazon and in the middle of the Sahara. Only the lack of basic services or products must be met with the resort of institutional mechanisms in order to prevent the negative determination of need from constituting a struc-

turally unfulfilling factor at the moment of trading. The matter of assigning other goods by ways other than the market leaves us at a point previously discussed, which it does not seem worthwhile rehashing.

Having arrived at this point, it is easy to see that the natural utility value of a thing influences its price in a different manner, often independently of how great such utility may be. The most extreme example is that of air: although nothing is of greater use-value to man, its price is nil. But precisely because of that it is exchange value which we must take as the real value of a commodity in everything that concerns matters of economics and right, since it brings together all of the factors which give worth to things. As may be deduced from the above, not only labor adds value to things. Everyone understands that a plot of ground has value because it serves a purpose, but if it contains a mineral recently discovered useful, or if a highway is built nearby, its value will increase even if no work has been done on it.

It is true then—and here we touch on the crucial point—that a commodity carries an exchange value, but not that everyone of them is to be deemed as containing labor or being the product of labor. In fact, Marx is criticized for considering the force of labor a commodity even though it is not the product of labor; such criticism is appropriate, but it tends to deny the force of labor as a commodity when it evidently is.¹¹ The reason for the confusion lies in not paying proper attention to what constitutes and basically characterizes a commodity, actual or potential: belonging. Every useful thing—obviously no one will want what is of no use to him—becomes a commodity by virtue of belonging to someone. Exchange, which is what ultimately makes such a thing, can only occur given the fact of belonging. Marx (and many enlightened economists) overlooked the simple fact that air is not a commodity simply because it belongs to no one. Once something becomes the possession of someone, it is no longer possible to appropriate it at whim; if we want it, we will have to give its legal owner something in return. Thus, it is precisely through belonging that things acquire an ethical sphere. The fact of belonging does not add value to things. Rather, it establishes a social value which is the intrinsic exchange value that Marx denies to

things, and which justifies the market factor in any consideration of price. Now then, as long as river water belongs to no one in particular, it is not usually characterized as a commodity because it belongs to the entire nation, to society. But even in this case, if someone wanted to utilize it in great quantity, he could find himself obligated to pay the state for that use. When commercial ships want to fish in ocean waters which belong to a country not their own, they must pay for the right. Thus, the ocean and its resources have become a commodity by simple virtue of belonging to someone, and no work need have been put into it for that to have happened. Rent is simply another form of exchange, where the right to use something temporarily is acquired. Sometimes, also, things which have been worked on, such as a national highway, do not become commodities because they belong to no one in particular. And the corded firewood, and the water transported to the fifth floor of a building, are commodities not because work has been put into them but because they belong to someone. Even the health of an individual could become a commodity if he could and wanted to sell it. Of course, there are things whose value cannot and need not be the subject of mercantile considerations, but it is evident that whatever has been legally assigned to individuals or groups constitutes a commodity, at least potentially. And this is exactly the reason why the force of labor is one which belongs to the worker: if we would rent it for our use, we must pay him in exchange. In this we see why the fact that this force is not the product of labor is irrelevant to whether or not it constitutes a commodity.

Allegedly, the Marxist theory of value functioned in pre-capitalist societies, for which some label him a historian of economics—quite a generous judgment in my opinion. Marx alleges that in primitive societies things are presented as objects of utility and not as commodities that acquire an exchange value different from their natural utility.¹² But in order to hold that the factor of offer and demand was absent, at a minimum there would have to be proof that the objects of utility were always exchanged at a fixed rate. Bargaining, as in barter, constitutes, in essence, the same praxis that determines price at the macro-economic level. In the abovementioned societies, use-value is the most conspicuous component

of exchange value. But in our times this would even be unworkable. Water, for example, is more useful than automobiles in an ultimate sense, but as long as it continues to flow in abundance, even if its possession were assigned to particular individuals, the amount of water which allows us to function will always be worth less than the automobile which provides us with transportation. If exchange values were set according to biological utility, almost no one could pay for the water he needs.

To Marx, the value aspect of commodities should be expressed in the same unit, labor, and thus be mutually exchangeable.¹³ In everyday language, this means that if it took one hundred hours to produce a book, it should be exchangeable for fifty hours of rice and beans and another fifty hours of shirts and pants. This, again, takes only the working time into account. Commodities may be exchangeable in terms of work units, but only if the particular attributes of work are considered as well. Of course, Marx realized that goods produced by a lazy, incompetent person would not be worth more simply because they took him a longer working time to make.¹⁴ Confronted with this difficulty, however, he did not recognize the differences in quality of work (efficiency is one such quality), and attempted to avoid the problem by resorting to the consideration of other forces of human labor represented in those goods, the greatly touted socially necessary working time they took to make. We may even accept that the amount of labor a lazy man expends in producing something is equal to another human force of labor which produces it in less time. But that makes indefensible to assume that everyone contributes an average social working time deserving of equal remuneration. This may be so only regarding specific steps of an automatized production of a single type of product, not for different labors, brands, particular initiatives, lines of production, etc. Because we already know that everything is based on the false premise that the quality of labor only adds use-value, while it is quantity which adds exchange value. Produced value is, in the end, identified with number of hours worked, one of the worst formulas ever to have been invented. One of the key aspects of underdevelopment is precisely the production of commodities of lesser price as a result of their

lesser comparative utility; and that is independent of the work expended in producing them.

If we consider the above, we will reach the undeniable conclusion that, in the capitalist system, production and its related factors do not dominate man. The market is his doing, and through it can man properly evaluate the different labors and merits. In establishing a trading value for things, man allocates the resources in freedom and in the most efficient way. The natural property which, according to Marx, man attributes to things—by virtue of which they become exchangeable at established rates—is an objective fact, partly an expression of the will of man. Neo-classic economists also tend to dismiss that fact, and have built price theories apart from the freedom to trade. From all we have discussed so far, Marx will attempt to create a system in which man no longer decides what is useful to him and what must be exchanged for how much. Systematical distribution by means other than interchange constitutes a suppression of the economic sphere of the individual social dialectical pole, thus violating all the principles of nomocratic right. The ethics of commodities can only be questioned if we also question the right to property, which is totally inadmissible.

Circulation of goods.

Generation of capital and surplus value.

In this section we will demonstrate the falseness of the communist theory of profit. Two kinds of circulation of commodities are generally accepted—in reality, they are one, but it might be of academic value to separate them. The first kind, which is the one Marx considers natural, is characterized by the act of selling in order to purchase, by handing over a product—let us say linen—in exchange for money in order to purchase with that money another needed commodity—let us say a Bible. A transaction occurs (commodity-money-commodity, or, in this case, linen-money-Bible) during which, in practice, one thing is exchanged for another. Movement is linked: he who bought linen from the weaver might have obtained money for the purchase from the sale of wheat, originating the transaction wheat-money-linen. He who sold a

Bible to the weaver will supposedly use his money to purchase something useful—let us say wine, thus originating the transaction Bible-money-wine. Money only changes hands; it is spent and disappears forever, giving rise to what is known as currency flow. To Marx, only objects of utility of equal value are exchanged in this form of commerce.¹⁵ Side by side, in the capitalist market, Marx identifies another kind of commerce: purchasing in order to sell, which gives rise to the transaction money-commodity-money, whose goal, he says, is not to obtain objects of utility but to make more money, because there would be no point in coming out even from that transaction. Capital, then, is generated by making commodities circulate, with money turning the wheel—buying in order to sell high. That is what the capitalist merchant does, and what generates his *surplus value*.¹⁶

There are several omissions and falsehoods in the above lucubration, as the following analysis will demonstrate: in the first place, distinguishing between commodities and money is useful in order to understand the process, but we must not forget that money is also a commodity. Money is also produced by labor, so when the merchant hands over his money he is surrendering as commodity the product of previous labor in exchange for another of presumably equal (exchange) value but different utility. In truth, he who receives money in exchange for a product is actually buying money, which will be useful to him in a different way than the product he surrenders. Considering that, the above mercantile operations may be reduced to the basic form of commerce: sale-purchase exchange. The circulation of commodities is, then, the starting point of capital as well as of all wealth derived from commercial activity. Indeed, the general formula for capital developed by Marx—purchasing in order to sell higher—is correct, but it does not mean that things are not sold at their (objective social) worth. Marx explains that the mere circulation of goods does not generate surplus value, and asserts that the money of mercantile capital generates money by itself, as if a sort of loan were at play in the process. What does generate money is making things available. The merchant adds value to products through his labor of vigilance, control, transportation, storage and distribution, and his payment for all that is the surplus

value. Surplus value is not the gain which may result from bargaining strategies, but an intangible value added through the whole mercantile process.

Before we go on, let us ask a question: can it be true that the weaver and the bookseller we mentioned exchange only for the purpose of obtaining values of immediate utility, at no time with the intention of accumulating? Perhaps, but we must separate the psychological context from the economic one, and be aware of the variables within the latter. In a free market economy, only when labors or their products appreciate equally, equilibrium is maintained; in this case, dispensing with the intermediate step of money, the same amount of cloth always buys the same *amount* of book. But when circumstances change, that no longer holds true. If our weaver starts to make better-quality fabrics, or if his fabrics gain increased popular appeal and are subject to greater demand, their price will rise. Thus, if he goes to the bookstore to buy another Bible, he will be able to get it and still have money left over besides. The same amount of cloth, containing the same amount of labor, will have appreciated in value and found a new equilibrium in the market. In the process of selling in order to purchase, profit, or surplus value, will have been generated, and our weaver will not only have satisfied his spiritual longing, he will also have generated capital. Marx recognizes that this may happen, but he deems it a casual occurrence, and asserts that one of the traders is harmed in this transaction. That consideration is unwarranted, not only because of what has been said about man changing his appraisal of the value of commodities, but also because he who acquires better-quality merchandise (even though he must pay more for it) will make better use of it either for his own consumption, enjoyment, or in transforming it. Quality does not cost, it is said, it pays.

On the other hand, assuming that there is no benefit to be derived from the circulation of equivalences is not justified: more or less modified, such circulation has produced benefits through trade from the days of primitive societies to our times. What is of no value to one, other than for exchange purposes, another may find quite useful in and of itself, allowing him to achieve a level of self-fulfillment. In conditions of a balanced socio-mercantile power, if both parties did not assess the worth

of what they receive higher than that of what they surrender, exchange would simply not take place. In a similar way, the commodities may be harnessed differently for the creation of wealth, according to the kind of labor performed on them. The goal of all commerce is to end up with something more useful than what is given in exchange; this can be conceived, and must be conceived, by exchanging equivalent social values, because these never imply a universally even or fixed utility. Exploitation is always the result of non-equivalent interchange, which relates to unbalanced effective socio-mercantile powers. Marx considers the transaction money-commodity-money a privilege of capitalist merchants, and deems it anti-natural and exploitative.¹⁷ If that were so, we would have to consider as exploiters and capitalists, albeit on a smaller scale, the small shopkeeper in the poor neighborhood, the junk trader-repairman in the village, and the fruit vendor on the street corner. They all purchase in order to sell higher!

Marx lucubrates that if the seller of a commodity which is worth a hundred monetary units managed through some inexplicable privilege to sell for a hundred and ten, he would earn ten percent on the transaction. But if everyone did the same, everyone would earn ten percent, which over the long term would be the same as if everyone sold at value; no one would gain anything. The moment the seller in this example became a purchaser, he would lose ten per cent of what he had earned.¹⁸ This omits the fact that there are commodities whose prices may rise ten percent or more over their value and still remain salable, while others would not, since that depends on their acceptance in the market and not on the whim of the seller. But, and this is of capital importance, does the rise in price of certain commodities necessarily mean the impoverishment of those who must pay ten percent more for them, as long as they cannot sell their own commodities at that rate? Most certainly not! Let us say that I produce goods which I cannot sell for ten percent *more than they are worth* while others can do so with their own. What this may mean is that the labor of those who produce revalued goods has appreciated ten percent over my own labor in relation to a previous exchange value. However, while I must buy more expensive goods, and sell mine more cheaply, this does not mean that I will be left with-

out money and goods. In fact, I can always benefit in this situation from the labor which is mine proper, and which in any case continues to provide *ninety percent of its real worth*. And, unless I get sick or die, I can always work.

When Marx asserts that surplus value cannot be generated even accepting the exchange of unequal values, he takes the commodities circulating at a given moment as if they were the only ones ever to be available, in which case only their distribution varies with exchanges. But if I extract a mineral with my labor, and that is the product I sell, a new commodity appears in the market which the earth has provided for me, and even if I sell it at ninety percent of its value in relation to others, my labor can bring me much wealth. This is a daily occurrence in the market. Something similar happens with merchants who have to pay higher prices for their merchandise: they can either resell for still higher prices or simply accept a lower profit. Of course, the mere circulation of commodities would result in some ending up with more and others ending up with less, as in the crude example of the three traders; even more, in cases like these, consumption would tend to deplete wealth. But Marx overlooks, at least for this argument, the fact that there is no such thing as mere circulation in the life of the market: there is a constant influx of new agricultural, industrial, and other products generated by labor, which increase or maintain the absolute wealth—consumption is a variable which has no place in these considerations. If only a constant amount of wealth circulated in this world, nothing would function, and accumulation by some would spell ruin for others. But this will not happen because the earth contains many new sources of wealth. It is incredible that such an obvious and basic detail can escape an economist.

The great fallacy

Let us see now what happened when Marx applied his concepts on the force of labor as a commodity, and analyzed production instead of circulation. This is where his idea crystallized, and where he postulated his main fallacy. H. Lefebvre (see note twenty-eight) says that “ordinary economists believe

that surplus value pays for the initiative of the capitalist, his leadership, and other labors performed by him." By itself, this simple statement refutes Marxist theories without the need for further considerations. Save the most primitive forms of production, even the most socialist economy needs a division of labor between leaders and subordinate labor force. This is the ABC of economics, or at least the economic philosophy accepted through the ages and generation after generation. But it behooves us to take the analysis a little further, because behind the theories and figures we can discover motivations. We come now to the crux of the matter.¹⁹ An enterprise is postulated which produces ten kilos of yarn per man per day, under the following conditions which result from a previous theorization which is not worth going into:

1) The spinner transforms five kilos of cotton into five kilos of yarn in six hours.

2) Five kilos of cotton cost thirteen pesetas in the market.

3) The wear on the spindle and the cost of other tools amounts to three pesetas.

4) The factory owner sells five kilos of yarn for twenty pesetas, their market value; and

5) The spinner earns four pesetas in twelve hours, which is the number of hours he works per day.

Let us first note that Marx even considered the payment made to the laborer at the end of the week as a dirty capitalist trick, exploiting first and then paying wages late.²⁰ I doubt it escapes anyone that paying wages at the end of a period is only an administrative measure, one that enterprises all over the world utilize in order to function better. Other than prejudice, what can we expect from someone who makes such an assertion?

Well then, sixteen pesetas is the cost of production for five kilos of yarn: thirteen pesetas for five kilos of cotton, and three pesetas for wear on the spindle and the cost of other tools. And since the yarn sells for twenty pesetas on the market, Marx concludes that the spinner has added four pesetas of labor on to the five kilos of cotton he transforms into yarn in six hours. The capitalist thus goes to the market and sells the yarn at worth. Now then, the spinner only needs six hours to produce five kilos of yarn, but he works twelve hours, thus producing

ten kilos of yarn per day. Since his wages are only four pesetas per day, the outcome is this: the capitalist spends thirty two pesetas (sixteen for each five kilos of cotton plus wear on the spindle) on the means of production plus four pesetas in wages, which comes to thirty six pesetas. In selling the yarn at value, twenty pesetas for each five kilos, the capitalist grosses forty pesetas. He thus earns four pesetas per day, according to Marx, on labor not paid to the laborer. And that is surplus value, the money which has been transformed into capital. Marx calls this performing a vanishing trick.²¹ I call it inventing a fallacy.

To me, it is clear that Marx saw that he could not challenge the established order just by showing instances of exploitation. So he put up a contrived scheme attempting to show that such instances were a necessary outcome of the capitalist mode of production. For that purpose, he needed a cornerstone, which is precisely the assumption that simple labor adds the same exchange value to things when it is performed over the same amount of time, and that all that is exchange value is the product of that labor. Marx thus reduces the price of cotton and the cost of wear on the spindle to a preset number of workdays using the formula, exchange value=number of hours worked, which we know to be false.

We have already seen that price takes many things into account. Of course, there is exchange value added by labor, but by an increase in use-value: yarn is more useful than cotton, at least for this discussion. What we need to clarify is the agent of such an increased value. The reality is that there is no instrument capable of measuring exactly what the work of the laborer adds to cotton; what we can figure out, through what the buyers agree to pay, is the aggregate value of all the labor, subtracting the estimated price of the raw material from the final price of the finished product. If we had a basis for comparison—other yarns spun by other spinners in the same amount of time—we would notice variations in price as a function of differences between spinners in the quality of their labor. Still, it is best through labor contracts that we can compare the worth of their contribution with that of the employer. Indeed, the salary of four pesetas, if freely contracted, represents an equilibrium reached through the con-

frontation of two effective socio-mercantile powers—within the context of a payment accepted by society as compensation for average labor. As we have said, strictly speaking no socially necessary producing time exists either. Thus, the mentioned salary can be taken as representative of the contribution of the laborer. The other four pesetas represent what the factory owner can get on the market for his own labor and as a necessary return on his capital investment of thirty-six pesetas. If we dismiss this contribution, I do not see any reason to assert that the yarn is sold at worth in the market. If we accept its market price to be at value, so we must do with the spinner wages. Thus, if we reimburse him the disputed four pesetas, he would be actually overpaid and taking advantage of the consumers. This is the counterpart of dismissing the role of some factors in production.

We must mention before continuing that the example under discussion is misleading. One gets the impression that the spinner is everything, yet he cannot spin without thread, and the cotton and spindles do not materialize from thin air. There is a labor of the capitalist represented in the resources he has created, obtained and integrated to make possible the present work of the spinner, and in the commercialization of the yarn, which is a source of legitimate rights over what is created by working on the resources. The transformation of cotton into yarn is but an economic moment in production, and the increased value achieved by spinning the crude fiber is but one of the appreciations a means of production undergoes even in such a simple case. The cotton is worth more in the workplace, ready to be spun, than on the market, not in use-value but in integral social value. So even if the laborer is the only agent of that particular appreciation, he cannot claim for himself all the economic credit which derives from the sale of the yarn, and he must share with the other participants in the productive process—in this case, four pesetas with the factory owner.

I cannot go to work at a particular hospital and demand to take home, after deductions for personnel salaries and resources expended at said hospital, all that is charged my patients for consultation. I will have to recognize a kind of interest payment due to the one who makes the resources of

the hospital available to me, even if he spends every day of the year on the French Riviera. It is a terrible omission of the theory of surplus value not to consider all that. And the labor of the capitalist is quite different in a more typical enterprise, where his contribution to the present transformation of the means of production is paramount, and where the value of ideas and organization is relevantly manifested. We may assume in the previous example that the laborer does not require much guidance in spinning the yarn, and performs all the necessary manual labor from beginning to end. In a complex factory, however, each laborer performs only a part of the mechanical process of production, and the one who plans, supervises, coordinates, and brings everything afloat, is the entrepreneur. Some object that supervision, provision of security, coordination, etc. really add something to the transformation of the means of production. This cannot be based on anything else than a gross mechanical conception of such transformation, which does not give any hint that the production process will be efficient and worthy.

Let us pause a moment now in order to examine the surplus value quota as a rate of variable capital. The latter includes everything not invested in the means of production, constituted in this example by the value of daily wages, since the postulated surplus value would be generated after the sale of the product. Because the relation here is four to four, Marx concludes that the degree of exploitation is one hundred per cent: the laborer works half a day for himself and half a day for the capitalist.²² This invention of absolute surplus value has made the delight of social malcontents; but even for them, the theory of surplus value loses some of its attractiveness when the costs of production rise too much, as is generally the case in real life. In any case, numbers can be manipulated in whatever direction our ideological frameworks demand it. Thus, if the nomocratic parameters we have repeatedly mentioned are met, can we consider no work as unpaid, and the rate of so-called surplus value equal to zero per cent. Exploitation is more an ideological than an economic concept. Within this context, the Austrian School of Economics has convincingly demonstrated that competition takes care of preventing than the worker is paid less than his contribution.

It is even worse when we consider relative surplus value. This would depend on the use made, not so much of extra worktime, as of increased production and collective labor, which would make it possible to reduce the ratio of extra worktime to necessary work (presumed worktime needed by the laborer to produce enough to guarantee his subsistence). To wit, the large scale production of yarn, which would reproduce a lower rate of surplus value, except that many times.²³ Let us suppose that our factory owner now employs a hundred spinners, and because of a small detail—perhaps good taste in packaging, perhaps imaginative (and, for the sake of simplicity, inexpensive) advertising—he manages to obtain twenty and a half pesetas for each five kilos, and is able to pay his workers eight pesetas a day. After all accounting, the owner will end up earning one hundred pesetas a day, product of an exploitation. Let us note in passing that were our much-discussed spinner paid eight pesetas a day, he would be bound to accumulate, since four suffice (even though far from amply) for his subsistence. Is it not surprising that the same thing Marx concludes is fair for the laborer is denied him in communist countries? Marxists would see exploitation only when that which supposedly belongs to the worker is taken by other individual through the value-form determination of labor, not when it is taken by the state. Marxist economics, therefore, cannot be said to defend anyone's rights. Returning to our subject, the situation would be similar if the owner managed to save somewhat on the means of production. These two examples are important because they reflect daily events in the life of enterprises, with figures adapted, naturally, to the realities of the market.

We would enter a never-ending road if we attempted to analyze relative surplus value, the variations in surplus value which accompany variations in the duration, productivity and intensity of labor, or the figures which result from reducing the value generated by the sale of yarn to their equivalents in kilos of yarn or hours and minutes of work. We will discover nothing new, it is all reduced to the same thing: unpaid working time, kilos of yarn stolen by the capitalist, and so on and so on. Certain economists of the time had interesting things to say on these matters, N. W. Senior in particular. Based on cer-

tain occurrences of daily life, he alleged that the worker handed over to the capitalist only the last hour of work in the form of surplus value. Seventy-two minutes, to be exact, equivalent to the spinning of a kilo of cotton worth four pesetas on the market.²⁴ These economists fell into a trap from which they were never able to escape. Some argued, from the above, that eliminating the last hour of work would eliminate surplus value. Marx convincingly refutes this: obviously, if the workday is shortened by seventy-two minutes, not only will the capitalist earn less, he will also pay lower wages. The rate of surplus value would then be eighty per cent. In accepting the existence of unpaid labor, on no matter how small a scale, we are already accepting what Marx wants us to accept. It will serve no purpose to find a factory or enterprise with a quota of surplus value of one per cent, because this one per cent will be exploited one hundred per cent.

Entrepreneurial labor and working labor

When a capitalist organizes a productive complex such as a gas station (a provider of services in this case) when he gets the place in shape, buys the gas pumps, obtains the gas concession, hires the gas pump operators—all of which costs him money, time and effort—he has evidently worked. The organized complex is already more valuable than its isolated elements; his intervention has generated a new value. Modern economic science has not neglected this matter, although by putting more emphasis on the marginal product of capital—that is, what the addition of each monetary unit contributes to production—keeps the debate open about that the ones who really organized the gas station, and who must therefore reap the benefits, are those who got the place in working order, transport the machinery, and extract the gas. We must consider the financial aspect of the matter from an ideological standpoint, as we have done in a previous chapter, as to realize that the entrepreneur contributes to production with previous work crystallized in the resource of money and acting in the present; that is why capital has the right to earn by itself. In other words, labor and capital are not contradictory but rather consecutive, live and inert, praxes before right. The

worst omission of the theory of surplus value may be its failure to consider that aspect, thus disregarding the second principle of nomocratic right.

Having reached this point, we can turn the whole argument around: keeping with the known numbers, we will find that the laborer contributes one workday equivalent to eight pesetas, and the capitalist two, contained in the sixteen pesetas representing the cost of the means of production, all of this without taking into account his present labor. And since both earn the same, four pesetas, although their contributions are different, it is the capitalist who turns out to be exploited one hundred per cent. Absurd as this is, that would be precisely the tenet of an ultra right-wing economy, which would also dismiss the fact that the participation in the earnings of a joint venture must be determined by contract. In fact—even though indirectly and incorporated in technical production relationships—the entrepreneurs negotiate the value of their contribution with the workers. One of the objectives of this extended debate with Marx has been to show that what economics may theorize or establish at a given moment, common sense may uncover with greater clarity as well as more expeditiously. Without being an expert on the matter, and I welcome anyone to correct me wherever wrong, it seems to me that modern economics has yet to complete an evaluation of entrepreneurial and hired labor. Just to cite one instance, following a model of perfect competition from E. Mansfield,* it is a cause for concern that the marginal product of labor seems to be the only one to increase value and production, the marginal product of capital—what the addition of each monetary unit contributes to the production—being kept in the category of a simple intermediate and conventional material means. The marginal product of labor may be defined as the increase in output caused by the addition of a unit of labor. But its value cannot be measured simply by multiplying it by the price of the product without reinstating the surplus value theory. In the case of improvements brought by the addition of an above-average worker, for example, it seems that any extra price of the better product must be paid

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in wages, as if such improvements were a self-sustaining economic activity. And if we reverse the case by adding a below-average worker, the above will still hold through the principle of economic freedom. This offers the only libertarian way for assessing the objective value of the contributions in the labor market. Just as there will be competition among entrepreneurs to catch profits, which will tend to raise the salary of an above-average worker, he will also have to compete for a job, which will tend to make room for higher profits. Otherwise, there would be no reason for an entrepreneur to prefer him over an average worker. It is necessary to make clear, then, that no output is exhausted in the marginal product of labor, and clear it will be if—independently of a negligible amount of new capital investment—we enter the overall entrepreneurial factors as co-producers together with the former, so that it does not seem that supply and demand merely establish at what rate the laborer must sacrifice what he produces.

Exploitation occurs only when one of the parties entering into a contract is deprived, by the contract itself, to achieve a rational level of self-fulfillment. All that is left for us to hear is that the money possessed by the entrepreneur, the so-called primitive accumulation, is the product of another exploitation.²⁵ To Marx, the entrepreneur simply does not have a historical right to exist. That, however, is most unfair to the campesinos and laborers who have managed to obtain their primitive accumulation as the result of great efforts and privations, and whose money cannot be attributed to exploitation precisely because it constitutes savings derived from the wages of hired labor. The only argument left is that exploitation begins the moment the money is invested. But in this case the problem is only transferred to a previous stage. And let us not forget that primitive capitals are also born in the proper use of professional, artistic, scientific, and other talents; and further back in history, in ancestral appropriations justified by seniority.

Now then, what happens if the cotton or the spindles are damaged? What if the yarn is defective and does not sell? The laborer assumes neither the costs nor the responsibility for all that. The entrepreneur, then, contributes to society through three kinds of labor: first, his previous work, acting in the

present, facilitates the resources; he is the one exposed to risk, and as in the example of the yarn, the one which is more highly manifested. Side by side, especially in complex industries, is the new work of the capitalist, contributing direction and leadership, organization, and often concern and muscle as well. The third contribution, which few achieve to a high degree, is creation and seminal ideas; this is the contribution which permanently benefits society.²⁶ It is not given to the most elaborate economic theory to judge whether or not entrepreneurial labor exists. Entrepreneurial labor is a fact; it is there. We do not need to speak of abstinence (reinvesting rather than spending capital) in order to justify the profit of the entrepreneur: benefits are a corollary of the right to property. Abstinence characterizes neither saints nor virtuous men: it is simply intended to fight an eventual scarcity. On the other hand, alleging that the hired man sells not his labor (that is, himself) but his time or *force of labor*, and that wages are the price not of labor but of the force of labor, is both unnecessary and unreal. We can accept that someone sells his force of labor, if we will, and not change our conclusions one bit. If I am a masseur, saying that in my work I offer for rent not my hands but the force of my hands is of meaning probably only to grammarians. In any case, if the force of my hands is paid what it is worth it means that they are well rented. And if that is so, so will my work.²⁷

To Marx, the force of labor is to labor what the machine is to its functioning. He considers the force of labor to be an integral part of the human organism, and useful or concrete labor as a function of the former, where the force of labor does the part of simple, abstract, or average social labor. But the abovementioned analogy is wrong, because the functioning of the machine are to the machine, not what labor is to the force of labor, but what (integral)labor is to man. We have already seen that work, for ideological as well as for economico-mercantile considerations, is presented in one piece, as woodcrafting of a certain level and productivity, for instance. Even keeping the dichotomy, the theory is not upheld. To wit: except in what concerns the very ability and cost of performing a function, the force of labor would have no significance in determining the price of its functioning. What matters is the func-

tion it performs, not how much force of labor is available or how much effort is required for its performance. Not a capacity, but how we exercise such a capacity, is the source of right.

But at this moment it is important to learn what gave rise to such assumptions. When English classical political economics tried to determine the price of labor, it found that it was difficult to do so on the basis of the costs of production, as it would have done with other commodities. Because their own theory of value forced them to calculate the value of labor (salaries) in terms of what it cost to reproduce itself. Here Marx steps in to resolve this conundrum by postulating that what political economics called the value of labor was in reality the value of the force of labor, and also that the costs of production of such a force are contained in the value of the average social labor required to reproduce it from one day to the next, that is, in the costs of nourishment, housing and clothing for the laborer, considering these as guaranteeing no more than a bare subsistence. The price of labor is determined (within a market economy) by asking and bidding. All the components of exchange value which establish social worth enter into play here in the same way they do in the case of any other commodity. If the costs of production are not apparent here, that is because it is the laborer himself who procures his daily sustenance, in addition to the fact that many laborers have other means of subsistence besides their salaries. In any case, it seems still plausible to consider as the costs of production those needed to maintain the ability to work (to keep the organism in working condition, so to speak). What is unacceptable is to reduce the price of labor to such costs. Given that supply and demand coincide at different economic moments where the subsistence costs of the organism are kept stable, the use-value of labor and of the different labors (as measured by the amount and quality of production) must be the main factor which accounts for the different prices of labor at such moments. By not taking into account the intrinsic value of utility as a fundamental component of the exchange value of commodities, political economics found itself at an impasse.

Another difficulty in trying to determine the costs of production of labor is that the means of subsistence not only regenerate the ability to work, but all other bodily functions as

well. Let us also keep in mind that included in the value of average social labor is the factor of constitutive support, aimed to make the former enough (at least ideally), to ensure a minimum praxical opportunity. But let us consider some of the absurd conclusions we would be forced to reach if we listened to such fancy theories of value instead of to the logic of nomocratic common sense. Let us suppose that our entrepreneur goes to the market to sell his yarn, and decides to sell five kilos of it for nineteen pesetas in an effort to expand his clientele. Or perhaps consumers refuse to pay more as they begin to show preference for synthetic yarn. What will have happened then? Because the price of cotton is the same and the time spent to make the yarn from cotton has not changed, so the spinner's labor would still be worth the same. In the first case, the entrepreneur would have to be considered only fifty per cent exploitative, and in the second one the exploiter would be the consumer! On the other hand, a laborer is so skilled that he can turn ten kilos of cotton into yarn in six hours, will he have to be paid the same salary because he has generated the same value even though more wealth? If an entrepreneur had the good fortune of having only employees of that kind, he could easily pay them eight pesetas a day, the transformation of his money into capital would be guaranteed, and yet we could not consider him an exploiter.

When the capitalist hires the worker, he hires his working function—or his force of labor, if we will—*in toto*, that is, along with all its own features and with all the social factors which establish the exchange value of that commodity. That is what the worker is paid for, and the fact that such features and factors constitute mercantile variables is what explains salary differences. Non-labor costs are very important in determining prices, as almost all modern economists motivated only by scientific interest unambiguously recognize. Socialist brag to acknowledge *categories of living praxis*, but they dismiss the entrepreneurial work as one. But even accepting their definitions, it seems that—if they mean to honor past contributions—some of such categories must be precisely the accumulated resources. But in doing so, some would accumulate more than others, and these would function exactly like capital.

In dealing with the industrial capitalist, it is true that the laborer receives exchange value for his commodity and hands over use-value. But that also occurs with the capitalist: he delivers his commodity, money, as use-value (since the laborer will utilize it in various ways), and receives the commodity force of labor as exchange value (to be used, of course, in production). This occurs, as we have said, because what motivates buying is the utility of things; but in the global process of buying and selling both parts offer their commodities on the basis of all the factors which constitute price or exchange value. This is the only true and real economic relationship of value between commodities.²⁸ Patently, it does not constitute any alienation from one's products the fact that the portion of them which belongs to the worker is awarded to him in wages, obviously more convenient than assigning to him a portion of the product. Accusations of this sort are based on spurious psycho-ethical considerations—money and goods can subject man evenly—and mean, plainly and simply, a return to barter. In any case, are we to believe that there is an enterprise, any enterprise, in communist countries where the worker can consider product a mere object of his labor? In those countries, becoming your own boss is the idlest of dreams.²⁹

The crucial thing is that the subjection of the working labor to command—which is yet another complaint of Marx—be institutionalized in freedom and within the context of balanced socio-mercantile powers. The means of production, other than what constitutes the force of labor, do not belong to the laborer for reasons elsewhere considered, but putting them in the hands of the state is no way to universalize their possession, since here the state does not act as agent of synthesis but as the sole subject of right. Now then, it is outlandish to conclude from that the capitalist system delivers the means of production to the bosses; the latter do not constitute a caste, fixed and eternal. The title boss is earned in a moral social life by outstanding work, and anyone can attain it. The separation of the force of labor from other means of production (in the sense of its possession by different people) does not itself derive ideologically from the division of labor. Long ago, the force of labor was one with other means of production because these were few and easily obtainable by everyone.

Thus, the seed and the weapon could hardly fail to be one with the hand of the planter and the arm of the hunter. This is no longer true for many labors simply because it would not be functional given the needs of the time, and because market mechanisms have taken care of choosing the possessors of the means of production. What is important is that the latter (and especially the products) be obtainable in the measure they are deserved. Although Marx seems to be correct in his assertion that "nature does not produce possessors of money or commodities and on the other hand individuals who only possess their force of labor,"³⁰ he is not, because nature does produce them as the outcome of history, according to the merits of each one. It could also be said along that line of thought that neither does nature produce chiefs and leaders on the one hand, and subordinates and followers on the other.

Finally, let us comment on the general law of capitalist accumulation which Marx attempted to formulate. "The accumulation of capital, which at first appeared only as a quantitative amplification (the reproduction of surplus value), is realized, as we have seen, in a constant qualitative change of its composition, in a permanent increase of its constant element at the expense of its variable element."³¹ This is not the moment to embark on another complicated discussion, unnecessary once we understand the false basis for the theory of surplus value. Let us, then, analyze this briefly and from a practical standpoint.

Capital is divided into constant and variable parts, and in economic life the constant part is supposed to grow more than the variable one because the means of production which constitute it, machinery for instance, tend to accumulate to a greater degree than the variable part destined for the payment of salaries. And since it is this part which pays for the demand for labor, as its proportion in relation to the amount of total capital progressively diminishes, and as the labor population increases in proportion to it, the result of capitalist accumulation for the average needs of appreciation of total social capital is the production of an overflowing labor population, hungry, unemployed, and submissive to capital. Marx asserts, however, that if the proportions of constant and variable capital remained level, the demand for labor could even

lead to a general rise in salaries since the capitalist would satisfy his ambition simply with the expansion of his enterprise and the appropriation of a greater quantity of value generated by working labor. But if salaries progressively rise, that may hurt accumulation. So the system of exploitation needs to be perfected by enabling the labor force to handle an ever greater volume of means of production, installing machinery for instance, thus achieving a diminution of the relative amount paid in salaries. But that is precisely where the problem of the composition of capital originates, and since that supposedly results in an increase of the unfair-advantage utilization of overwork, accumulation increases, the demand for labor diminishes, and salaries take a downturn. The final result is the impoverishment of the worker and the excessive enrichment of the capitalists.

From the variables which are the result of changes in the composition of capital, salaries, and others, Marx derives his population law,³² specific to the capitalist system, and explains the periodic fluctuations of the economy. And from the existence of an ever ready labor pool, he infers that added advantage is taken of hired labor by increasing the intensity of work or the length of the workday, or by employing those who earn less, such as women, children and others. Marx rejects the law of supply and demand as determinant of salaries because, he says, capital becomes influential on both poles, on the side of capital and on the side of the labor force, consummating its despotism. This occurs because when the accumulation of capital increases the demand for hired labor, so does their supply through the creation of supernumeraries.³³

Well, let us start by saying that armies of the hungry can be found in the communist countries. The reason is obvious: their poverty is due to the low general productivity of the group, as was once the case in countries where the market process made it possible for enterprises to create an increased demand for workers, which brought productive forces and real wages to an unprecedented high. As von Mises said in *Human Action*, in a (functional) market economy labor is scarce in relation to its demand for the simple reason that labor is always productive.³⁴ Thus, except temporarily in some sectors, the tendency will be to full employment. We

cannot dismiss the role of circumstances here, but the exploitation Marx cites took place in England was unsound to attribute to the system (the remains of previous structures and abuses do not belong in it), as has become evident in that country with the passing of time. Like Malthus and Ricardo, Marx did not take the importance of technological innovation—which flourishes only under capitalism—into account, and believed that economic growth would be stemmed as a result of diminishing marginal returns. The mentality of making money and the zeal of the entrepreneur to take his enterprise to the top, however, have demonstrated that we can produce at a faster pace than that of population growth. The only thing that the growth of the capital's constant part means is more resources to work on, and thus more opportunities of employment. And the increased supply of goods and services has given rise to an expanding cycle employment-productivity, which explains the creation of capital (its variable part included) in democratic countries.

Before that, all that is left is to resort to ever more convoluted lucubrations, which have found, like those of Marx, definite refutation in their own field. To neo-Marxists, as Reuten and Williams, in a competitive society the determination of the economy through the value-form contradicts free will. By taking that form as the definer of right, they aver that property rights can exist only abstractly, since the value-form of the economy would negate their expression. Thus, concrete property rights can be infringed as long as this is in accordance with the abstract right to hold property set by the economic structure, and the intervention of the state is needed given that competitive society cannot transcend the contradiction. But merit, not free will, is the source of right in capitalism, and the value-form of the economy can contradict free will only through the abuse of mercantile power by one party, which logically is the bourgeois. But that is not part of the system, only an additional determination. And in fact, the only way to respect free will in the economic realm is through contracts, which require and establish a value-form of the economy. More importantly, since the so-called abstract rights are nothing else but principles, these cannot negate the concrete ones (actual situations), for they constitute praxes of the former.

When such is the case, these contradiction does not reside in the system itself, but in the negation of its tenets.³⁵ In any system belonging in the nomocratic axis, the only contradictions that the state solves relate to socially significant non-compliances with the principles of practical reason. As we have seen, the display of the right to property, in itself, creates dialectical situations, whose solution often requires the agency of the state, but not contradictions. Evidently, when a tyranny exists, every economic theory to explain low salaries is beside the point: wages are determined de facto by the state or through unfair-advantage trade.

Independently of changes in the composition of capital and all economic explanations, the standard of living has risen in genuine capitalist economies for the simple reason that the individual feels secure that his effort will be recognized. If there is a deleterious correlation between the composition of capital and the success of an enterprise or the salaries it is able to pay, this is not a failure of the system, but of the enterprise management. In and of itself, credit has not impoverished workers either; it all depends on how the resource is utilized. Credit also attempts to place resources in the appropriate hands so that talents are more easily expressed, making it unnecessary to spend time creating a solid base for development.

Conclusions

According to Marx, everything in the capitalist system has been perfidiously planned in order to exploit the worker, even the unemployment brought about by the introduction of machinery. Obviously, machines are the inventions of the time, not evil designs to facilitate the exploitation of the worker. Unemployment would provide a steady supply of cheap labor only absent an adequate effective socio-mercantile power of the unemployed sector—which can be corrected through some measure of subsidiariness, for instance. The technological displacement of the worker caused by the proliferation of machines actually promotes the general welfare of the group over the long term by increasing the state revenues, along with the stimulation of progress. Also, in a working market

economy, as the output of a mechanized industry increases, its products tend to become cheaper, which tends to shift resources to other areas. Thus, there might be a loss of jobs in the industry, but an overall increase in the working force. Falling short of the goal may simply represent a failure to achieve due to adverse economic conditions. The invention of the automobile displaced coachmen, but created many more jobs. And social welfare can also be attained in situations where almost all the labor force has been substituted by machines. If products and services abound, and they become so cheap that anyone can afford them—leaving more time free for humanistic endeavors—would this be undesirable? Still, certain conditions might make mechanization undesirable toward the attainment of the common good, in which case it could be temporarily regulated. The specific measures for doing this are the work of specialists, which must avoid causing structural unfulfillments, as well as stalling appropriate ways of development.³⁶ In any case, and in the overall picture, a sustained economic growth and rising profits for enterprises still needs the cooperation of labor, which must limit mechanization spontaneously.

Although principal credit for the theory of surplus value must go to Marx, he borrowed from Smith and Ricardo on the subject. They, however, attributed profits to possession of capital more than to any underpayment of labor. Heilbroner³⁷ wonders if there is appropriation of surplus value in any relevant form in capitalism today, and concludes that the matter cannot be resolved because value is an abstract concept. Thus, it is impossible to know exactly how much abstract labor is performed by each worker (in the production of a General Motors car, for instance) in order to determine how much he should be paid. It seems that there is a confusion between abstract and subjective here, for every concept is an abstraction. This, however, does not deny the concreteness of the conceptual referent (value, in our case), as can be confirmed not only by our spiritual position toward the world but also by the assessments that we (or the market) make about the comparative worth of different things, situations, goods, facts, labors, acts or persons. Subjectiveness, now, refers to the uniqueness of each personal evaluation, but this displays as an objective

factor of price determination, as we have seen. Thus, the assessment of the so-called surplus value cannot be based on that of the so-called abstract labor but on the appreciation of the entrepreneurial contribution. Heilbroner is right though, in that bourgeois economists have attempted in vain to explain surplus value on the basis of such things as transient monopoly return or evanescent technological advantage. Faced with such explanations, doubt grows in the mind: the why of things will never be understood unless we take the bull by the horns and pull him to the ground—that is, go to the bottom of things, where the answers lie, the same answers which have been found by millions of ordinary everyday people. The theory of surplus value is an invention of hate, envy and stupidity, an attempt to justify the unjustifiable.

And so all the tenets thereof derived. During the process of production, as Marx correctly notes, the entrepreneur can be seen as a merchant, since he buys the means of production in order to develop them and then sell them at a higher price. But in that process, he yields previously generated resources and current productive factors which are sources of right. There can be no theory of entrepreneurial profit not already apparent to common sense, just like there is no such theory for labor wages, since both simply represent payment for their respective work and contribution. Once that is understood, every other explanation collapses like a house of cards.

I have only been able to skim through *Resurrecting Marx* by David Gordon, a work in the Misesian school which attempts to refute Marxism from the perspective of analytical linguistics. From what I have been able to gather—these comments are not to be taken as a definitive judgment—the book makes many good points. But sometimes it also tends to defend capitalism as it should not be defended, as for instance in asserting that if it were true that laborers receive in wages less than what they contribute in production, it would beg the question to assume injustice in that, even in a situation where the laborer could barely make ends meet. We have already analyzed why that constitutes an injustice, but if our argument were valid only for our own definition of justice, the same would be true of the so-called justice Gordon perceives in the freedom of the laborer to work or not to work

for the capitalist, as well as of what we must take as the absence of force or the threat of force in entering such an arrangement. In truth, it is not up to anyone's stipulations omitting the evident subordination of freedom to justice, and dismissing the rights which emerge from the constitution of society. Gordon is on the right path, however, when—based on a marginal utility wage theory—he takes up the crucial matter of demonstrating the authenticity of the productive labor of the capitalist. Perhaps words are not needed here: such a thing should be self-evident at this stage of the game, implying at the same time different recognition for everyone. For those who deny that, forcing the suppression of the right to property is the demanded praxis, which is anti-ethical notwithstanding; he who does not want it need only renounce it. This touches on the basis of many religions, which we will consider in the next chapter.

It seems appropriate to conclude by quoting from the last paragraph of *A Common Faith*, a small but interesting book by John Dewey: "The things in civilization we most prize are not ourselves. They exist by grace of the doings and sufferings of the continuous human community in which we are a link. Ours is the responsibility of conserving, transmitting, rectifying and expanding the heritage of values we have received that those who come after us may receive it more solid and secure, more widely accessible and more generously shared than we have received it."³⁸ This, for Dewey, is the common faith of humanity. And we can do no less than echo such words. To me, they reflect above all the capitalist idea, independently of what Dewey intended them to mean. The continuous human community is best interpreted in terms of the individuals who have formed it, because we have not received identical inheritance from Buddha than from Stalin, from our parents than from everyone else. That is why we must share the determination to struggle to attain the values which elevate the individual, the capitalist values, the natural values. That is, or should be, the faith of each and every man.

Notes

¹Marx, K., *Grundrisse*, General introduction, pp.16 and ff. Harper and Row, New York 1981.

²Marx, K., *The Portable Karl Marx*, from the first manuscript, Alienated labour, pp.131-146. Penguin Books, New York 1983.

³Marx, K., *Ibid.*, from the third manuscript, Private property and communism, pp.146 and ff.

⁴Marx, K., *El Capital*, Book One, El proceso de producción del capital, Ch.I, La mercancía, p.49. Ediciones Grijalbo, Barcelona 1976.

⁵Marx, K., *Ibid.*, pp.46-48 and 54.

⁶Marx K., *Ibid.*, pp.53-54

⁷Adam Smith offers an interesting perspective on this matter. In *The Wealth of Nations*,* he writes, "The value of any commodity, therefore, to the person who possesses it, and who means not to use or consume it himself, but to exchange it for other commodities, is equal to the quantity of labor which it enables him to purchase or command. Labor, therefore is the real measure of the exchangeable value of all commodities." Smith concludes from this that the difference between the rich and the poor lies in the different quantities of labor they can buy, which materialize in things, facilities, entertainment, and all the amenities of human life.

Such lucubration is wanting, because in many cases what is bought contains no labor. Besides, it is arbitrary to assert that what is bought is labor and not entertainment, facilities and things, because although it is true that they are usually the product of labor, the use of money to purchase a certain quantity of labor objectified in them does not exclude that they are acquired in themselves. What man values in the sense of mere usefulness is the thing itself. It is more difficult to consider all this under the parameter of work as a point of comparison, and it turns out to be deceptive; better to say, when I buy an animal which is the product of the labor of cattle raising, that I buy the animal and not a certain quantity or quality of the labor of cattle raising.

⁸Marx, K., *Ibid.*, Book One, p.48. Ediciones Grijalbo, Barcelona 1976.

⁹Mill, J. S., *Principios de economía política*, Book Three, Ch. I, pp.387-388. Fondo de Cultura Económica, México 1978.

¹⁰Smith, A., *Ibid.*, Book One, Ch.V, p.13. It is difficult to know what Smith wants us to understand by the cost of acquiring a thing, since that must already include the cost of the work involved in making it. The cost of acquisition, therefore, refers to the integral value of a thing as determined by its possessor and by the person desiring to acquire it.

¹¹Marx, K. *Ibid.*, Book One, Ch.IV, Conversión de dinero en capital, p. 185. Marx goes even further: "The value of the force of labor is determined, just like any other commodity, by the amount of time necessary for its production, or for the reproduction of this specific article."

¹²Marx, K., *Ibid.*, Book One, Ch.I, pp.82-83. Marx attributes an enigmatic character to commodities, alleging that such a phenomenon derives from mercantile production not intended for consumption, thus opening up a debate on totally illusory problems. Marx could be right on this subject, however, since economists have been complicating things in their imagina-

*(*Una investigación sobre la naturaleza y causa de la riqueza de las naciones*, Book One, Ch.V, p.13. Grandes libros del mundo occidental, Encyclopedia Britannica, Inc., Chicago 1982).

tion. There is nothing more logical than the integration of all the concepts of value in that of price, and than the consideration of commodities as a simple outcome of the right to property. The distinction between commodity and useful object has no place in social and legal considerations: the concept of commodity is an ethical, more than an economic one. It can escape no one that the intrinsic value we attribute to commodities depends on their power to appear worthy to man.

¹³Marx, K., *Ibid.*, Book One, Ch.I, La forma de valor o valor de cambio, pp. 55 and ff. Marx delves into so many unnecessary considerations that it seems easier to refer the reader to Gabriel Deville and his *Forma del Valor*, in his summary of *El Capital* (pp.14-16. Editorial Mexicanos Unidos, S. A., México 1976). Marx sums it up in one sentence: "In regard to values, all commodities express the same human-labor unity, and are mutually exchangeable." Here I would recommend reviewing note seven.

¹⁴Marx, K. *Ibid.*, Book One, Ch.I, p.47.

¹⁵Marx, K. *Ibid.*, Book One, Ch.II. El dinero, o sea, la circulación de las mercancías. What Marx has to say on what he terms the *metamorphosis of commodities* may be consulted mainly on pp. 116-124.

¹⁶Marx, K. *Ibid.*, Book One, Ch.IV, pp.162-165.

¹⁷Marx, K. *Ibid.*, Book One, Ch.IV. Contradicciones de la fórmula general. All of the previous concepts may be found on pp. 171-175.

¹⁸Marx, K. *Ibid.*, Book One, Ch.IV, p.175.

¹⁹Marx, K. *Ibid.*, Book One, Section III, La producción de la plusvalía absoluta. Ch. V, Proceso de la valorización, pp. 202-211. It seemed easier, for our analysis, to refer to Gabriel Deville, *op. cit.* in note thirteen.

²⁰Marx, K. *Ibid.*, Book One, Ch.IV, p.189.

²¹Marx, K. *Ibid.*, Book One, Ch.V, p.211.

²²Marx, K. *Ibid.*, Book One, Ch.VII, El grado de explotación de la fuerza del trabajo, pp.231-239.

²³Marx, K. *Ibid.*, Book Two, Ch.XXII, p.221.

²⁴Marx, K. *Ibid.*, Book One, Ch. VII, *La última hora de Senior*, pp. 243-248. For easier reading, Gabriel Deville is again recommended (*El Capital*, Ch.IX, III. La última hora. Editorial Mexicanos Unidos, S. A., México 1976).

²⁵Marx, K. *Ibid.*, Book Two, Ch.XXIV, La llamada acumulación originaria, p. 361. Marx states as follows: "The departure point which generated both the salaried worker and the capitalist was the servile subjection of the worker."

²⁶The phenomenon of *excessive profit* on the part of the entrepreneur is explained by this exponential projection, or at least by the existence of a particular sphere of the market where there is great demand for a labor which fulfills special needs, regardless that these may be entirely subjective. But not a few today are convinced that the entrepreneur should only be awarded a percentage of profit similar to what a bank would return on capital investment. By now we should perceive immediately that entrepreneurial contribution to the creation of a product cannot in any way be compared to passive capital investment in a bank, and that the whole argument rests on the same tenet: that the only the workers labor generates profit.

We know this to be fallacious, but what seems really hypocritical is to moralize against profit when is appropriated by the entrepreneur, while justifying its pocketing by the worker. In any case, let us see what accepting such arguments would lead to. The worker who performs the last transformation of the means of production is here merely the last agent in

a series of labor and entrepreneurial agents who have transformed or made accessible the initial means over which the work is performed. Let us remember that in our prototype we are dealing with a single worker who works on a single means of production which has undergone successive transformations until it is but one step from becoming a finished product. Let us also eliminate such variables as worker's differences in skills and productivity, for the relevant outcome does not change. Thus, since we are assuming that the final transformation is more profitable than all previous investment, the outcome will be that the last worker will earn a much larger amount (relatively or absolutely, depending on the case) than the other agents simply because he is at the end of the production chain—when the product is distributed to retail outlets or otherwise reaches the consumer—without having risked anything or contributed anything other than routine labor, and quantitatively perhaps less than others. Nothing would change if we illustrated this with another more profitable link on the chain.

In the system, in real life, things get enormously complicated by the inclusion of such variables as the distribution of intermediate products in multiple markets, the presence of several lines of production or economic activity, the number and diversity of workers employed in entrepreneurial complexes, the number of articles produced, and others in the final percentages of distribution. But that only underlines the need for those percentages to be assigned according to the rules of the free market: only thus can we determine objectively the value of each of the transformational stages of the means of production. The proposal under discussion is unjust and unacceptable to workers in less favorable (less lucrative) locations on the chain or in less favored lines of production. The same would occur in the system which requires a fixed percent of profits to be distributed among labor; that is only acceptable as a voluntary management policy. The statist way out of this mess is through equal distribution, not only along the chain of production, but through the entire group, which in order to patch the mentioned injustices must resort to alienate the natural sense of individual merit and desert. This requires the fabrication of a series of anti-concepts, such as that of *abstract labor*, which allows to posit the whole labor force as subject of even redistribution. And since this is unrelated to constitutive contribution, depending on the circumstances, it may require imposing quasi confiscatory tax on profits. Entrepreneurial labor, given its special characteristics, can and should be subject to drastic fluctuations of income; *excessive profit*—except when it is the result of the unscrupulous maneuvers we have sufficiently mentioned—depends on the consumer accepting without coercion the conditions of sale of a product.

The largest profits usually come about as the result of exponential entrepreneurial creativity, which generates a situation that often prompts calls for assigning by law additional benefits (raising salaries, for instance) to those involved in the field of production whose price experiences a boom. This, again, does not distribute according to nomocratic parameters, since it only rewards some who, while not themselves owners, simply take advantage of the good fortune of working in that field. Since this can also be deemed a natural occurrence, it can be accepted by the less lucky. However—as I have repeatedly stated—the best arrangement is through a unified minimum wage, rounded out by the provision of welfare measures that the praxical-nomocratic situation may call for. Negotiations between the work-

ers and the enterprise in order to rise salaries, on the other hand, even though they take place within the same framework of contribution of the parties involved, is a legitimate resource. Partly because we are dealing with a joint venture, where all the parties have a right to negotiate with each other to better their lot. But more importantly, because the enterprise can also look for alternatives, up to replacing its workers. The usual outcome under functioning capitalism is a compromise satisfactory for both sides, with the crucial advantage that it happens in freedom.

²⁷Marx, K., *Ibid.*, Book Two, Ch.XVII, pp.171-178. Here we may find, in great detail, numerous expressions of what Russell would call bad philosophy: "In the market, what confronts the possessor of money directly is not, in effect, work but the worker." What of it? We could say, along those same lines, that the worker confronts, not capital, but the capitalist, and all it would add to our knowledge would be a semantic nuance. Claiming that *abstract labor* is not paid by the capitalist, it has been argued that it is such labor which creates new values, while concrete labor only transfers existing values from the means of production to the product; yet another, more absurd, way of explaining surplus value. Because the transfer of values from the means of production to the product is simply the outcome of the conservation of materials; and only the action of man—labor as such, integral and concrete—transforms potential quality into actual, that is, adds a value. Where the market is concerned, or where direct production is involved, there is no such thing as *universal abstract labor* (deprived of all specificity). Only constitutive contribution or support can be so labeled. I could also postulate a capitalist universal abstract labor, and it would mean nothing.

²⁸If the reader wants to get a precise yet approachable text to Marxist theories, I recommend consulting H. Lefebvre *Síntesis del pensamiento de Marx*. His book adds little to a reading of Marx, but it can be recommended as an introductory text; the ideas are there clearly expressed and well summarized.

²⁹Interestingly, those who pretend to defend the worker from presumed capitalist exploitation from a *right-wing* stand also end up resorting to a statist mechanism—Hitler is a good example. In *Mein Kampf*,* he states his unhappiness over the fact that various economic activities are more valued than that of the laborer. He writes that the distribution of earnings should be based, not on the type of occupation, but on the form and quality of the work performed. Resting on this, he develops a scale of values for different kinds of work which he considers natural for those societies which have not been contaminated by materialism. Such institutional scales, provided they are rational, have a use in relation to the administration of common resources, outside of which they carry the seed of tyranny. Of course, during emergencies, higher criteria than the market should be used to determine how different labors should be rewarded, or better said, appreciated.

³⁰Marx, K., *Ibid.*, Book One, Ch.IV, p.184.

³¹Marx, K., *Ibid.*, Book Two, Ch.XXIII, Producción progresiva de una superpoblación relativa o ejército industrial de reserva, p.274.

³²Marx, K. *Ibid.*, Book Two, Ch.XXIII, pp.286 and ff. Marx analyzes the different forms of relative overpopulation, and naturally ends up blaming the capitalist system for the existence of vagrants, prostitutes and others, whose numbers must always continue to rise. He cites examples which are

*(*Mi Lucha*, pp.161-162. Editorial Época, México 1979).

better explained by the circumstances of their times, and quotes passages from writers who are far from representative of true capitalist ideas.

³³Marx, K. *Ibid.*, Book Two, Ch.XXIII, p.286.

³⁴Undoubtedly, von Mises has a good point here, and we can dismiss, in principle, the existence of unused labor resources as circumstantial. But also, since as employment levels rise salaries tend to follow—without thereby the prices of the products and profit doing necessarily so in the same measure—many of those who have in their hands the possibility of materializing the profitability of work may try to maintain a situation where such profitability can be exploited more safely and to a higher rate, that is, unemployment. Of course, this does not make Marx right ideologically.

³⁵Reuten, G. and Williams, M. in *Science and Society*, Vol. 57 No.4, pp.427-428. Winter 1993-1994, New York. The play of a faulty dialectic is patent: right and free will can be said to be opposed, but not so right and the value-form of the economy. For the latter is not an expression of free will as much as praxis of right. Thus, there is no room here for a synthesis like a “fragmented unity of bearers of economic relations and free will”, except though right itself, since the state cannot be used by dis-socialized independent individuals to foster whatever ends. The only possible synthesis is that determined by the pre-established legal framework, whose rationality we can assess keeping in mind the bipolar affirmative nature of a nomocratic society. The state serves here only to bridge contradictions or oppositions between people, precisely through the principles of the system.

³⁶If we forbid the use of machines in a given local industry, the prices of its products won't come down, and by protecting the workers we will hurt the consumers. And as the products of a mechanized foreign competitor—other factors remaining equal—will do come down, the only way to maintain the favored workers at labor is resorting to protectionism. In addition to keeping prices artificially high, this retards the development, and violates the third principle of nomocratic right.

³⁷Heilbroner, R. L., *Marxism, For and Against*, p.111. W. W. Norton & Co., New York 1980.

³⁸Dewey, J., *A Common Faith*, Ch.III, p.87. Yale University Press, New Haven 1934.

CHAPTER XIII

THE WORD OF GOD

I have attempted to integrate here basic religious tenets in reference to certain aspects, and I present a unified picture knowing full well that there are differences which I cannot delve into for lack of space. Generally, these differences may be reconciled by taking the modes of cultural praxis into account, and by avoiding any biased observation of the faith of others. We must free ourselves from the myth of the true religion, which will never contribute to mutual understanding. The Spirit cannot manifest only to some and not to others, and what God teaches and demands from men must not differ in what is fundamental. When an exalted being lays claim to being or to representing the One True God, He does so not in reference to His person nor to a uniqueness of the event, but to His representation of Truth as it manifests as absolute praxis in this world. In other words, He does not state a concrete fact, but follows a pastoral line showing the fundamental uniqueness of path.

I will depart from the postulate that there is an absolute plane of reality—planes are distinct spheres or levels of Being meta-dimensionally overlapped—unbounded by spatio-temporal categories, identifiable with such notions as the absolute spirit, pure existence, Universal Conscience and God, using the latter term also to designate the highest manifestations and incarnations of Being. Although I am a pantheist, I will use the dualist theological terminology for it is customary in our culture. The materialist tone throughout most of my thesis is due to my conviction that the facts of the world are suf-

ficient to infer the natural laws of man. I chose to point out as characteristic of matter some things which in essence correspond to the Spirit, because in my view matter is a time-space embodiment of the Spirit, that is, an extrapolation of absolute (*unmanifest*) notes into a cosmic reality. Given that the notion of an absolute plane exhausts all the reality, nobody knows with certainty how it manifests as extensive and as sequential. Some explain the latter as an illusory world created by self-contemplation of the Spirit; a sort of meta-dimensional representation of its own contents.

What interests us at the moment is how religions have viewed property, power, the individual, the group, and human conflicts, especially today when a trend has emerged within the Catholic Church which has deformed dogmata—not necessarily the stated explicitly as such but fundamental tenets of equal importance—which have been the main bulwark of social cohesion among peoples. In most occasions I will cite specifically: Christ, Islam, and so on. Otherwise, because we are treading on a ground where religions support similar criteria at bottom, I will refer to God—utilizing His customary anthropomorphization (rage, will, and so on) and disregarding historical fictions in an endeavor to simplify. Sometimes, also, criteria change within the same faith. When there is no negation of natural laws, those changes indicate an ability in God to adapt to historical circumstances. Otherwise, we must assume that the principles have been deformed by men. Without, for ease of discussion, taking Buddhism (because of its particular agnosticism), pagan, and modern approaches to the subject into account, religions can be seen as proto-philosophical (although often mythical or symbolic), systems when it comes to illuminating the reason and purpose of things. But, above all, religions are faithful interpreters of human nature.

“Render unto Caesar...”

In order to understand the religious stand on certain aspects of social life, we need to know something about the laws of God and the laws of man, the former revealing transcendent requirements of the Spirit, which are often expressed in commandments, and both serving as mechanisms to make

Truth operative. The laws of God constitute a normative *praxical religious spectrum* which expresses itself differently at the level of absolute praxis—that is, what transcends (not deny) the circumstantial and is determined only by itself—and at the levels in which the absolute order reveals itself in the human condition. That is how the laws of God form a continuum with the laws of nature, expressed in those of man—although not every law of God bears a moral demand—and why ancient peoples experienced life in a socio-economic-religious syncretism. We can, however, separate such laws on the basis of their different ontological levels, and say that there is a double standard of values depending on the referential point of fulfillment. Nowhere is that more clearly stated than when Christ says, “Render therefore unto Caesar those things which are Caesar’s, and unto God those things that are God’s.” Give man what is earthly, was the message, and give God what in man is transcendent, that which is of the Spirit.

Truth, *eidetic* substrate of the laws of God and the laws of man, admits diverse stages: the same truth (here, specific value referents for or in the context of a gamut of fulfilling attitudes or actions) in the way in which it can be understood by men according to their historical circumstances and the different levels of their spiritual evolution, creating not a relativist, but a fundamental cultural-humanist framework of duty. The *hypostatic procession of values* from detachment to biological appropriation—detachment, let us note, relates to different moments (and processions) of truth: as an existential state, it is an absolute value; as an act, it represents absolute praxis, while as a call or as a demand it constitutes a law of God—with a number of attitudes in between, exemplifies such diverse stages in the context of property, which require fulfillment in orthopraxis, that is, fitting the precise spiritual level of each man. It is for this reason, and no other, that what God demands is different in every man or group, allowing thus for different modalities of possession (and of rule, in a different procession) while always aiming at non-possession. As we can see, there is essential unity between the praxis of renunciation and the praxis of right—the laws of God encompassing those of man, but not vice versa—which permits an overriding judgment based on the former.

From a theological consideration, man possesses a dual constitution (or a unitarian one, according to the point of view): natural or spatio-temporal planes on the one hand, and the spiritual on the other. The biological aspect of the spatio-temporal plane is guided by laws proper to the higher animals, and lacking in doctrinal and ethical attributes. The self-conscious aspect, on the contrary, is able of an immediate identification with the spiritual. Integral creature that he is, man must abide by the inferior laws of Being, while at the same time abiding by the demands of the existential moment of his spiritual nature. Pristine spiritual demands are the ultimate ground for values and truth, transcending the limitations imposed by duality. But since in spatio-temporal planes the Spirit is bound to non-absolute structures, requirements and categories, such nature remains usually unmanifest, or rather, expresses itself praxically. The inferior or animal human nature cries for the satisfaction of elemental needs such as nourishment, a goal which is generally achieved by means of some form of possession. Self-conscious mind presents greater flexibility, attached to the material on the one hand, and tending toward spirituality on the other. God gives man possession of the world, but at the same time demands that he renounce it in the pursuit of perfection. Why? Precisely because different emergent levels and existential planes of Creation are represented in him. Physical and biological man can only exist in the world, and if such is the plan of God (or an aspect of His cosmic manifestation), He must give the world to man for the satisfaction of his biological need. Since reason transcends the biological, such a need is satisfied in accordance to right (on the pole of the value property, for example). But only through the fulfillment of his highest spiritual demands can man really live up to natural law.

The laws of man reflect eternal truths, but limited by the ontological level of the world. Thus, from a human perspective, the laws of man demand only compliance with right, while from God's perspective they demand identification with our true self. Smoking, for example, is not anti-ethical, but it is an obstacle on the road to perfection (ultimate spirituality). When the laws of man oppose smoking, it is because it creates a special type of negative externalities, but those of God would do it

from a more transcended perspective, for smoking is not congruent with the Path in any of its steps. Absolute praxis, however, is a demand of superior evolution which is only fulfilled in an enlightened man who is free of all material bonds. Observe that the laws of God are generally expressed as an apodictic demand or prohibition, although the absolute value which serves as their substrate admits hypostases up to the less evolved human spirit. There must be no confusion between what we earlier called fundamental and learned human nature and what we here deem biological and spiritual. The first division illustrated human behavior from the point of view of its natural substrata in order to integrate what is *contingent* to man and his adaptive variability in one single truth. The second division is metaphysical in character, and separates the integral biological being of this world from the (personal) spiritual being, of perfect nature when redeemed.

Renunciation is the will-directed equivalent of detachment, and implies a gamut of spiritual dispositions all the way to the extinction (worldly) of desire. The vows and the practice (of celibacy, of poverty) are merely the first committed step on the path, and do not imply by themselves absence of repression and that enlightenment has been reached. The latter is achieved as a result of a spontaneous, yet conscious, call—much like the one a sinner heeds to abandon his ways—followed by a process of spiritual growth, often through the way of self-imposed poverty and retreat. However, spiritual plenitude can also be attained while still engaged in mundane pursuits, even more when, previous to the call, worldly obligations were assumed which must be kept, marriage for instance, or when worldly affairs serve as an example or to help others. Religious praxis, then, never encompasses the irrational: man is always called upon to give the best that his level of evolution allows. As man evolves spiritually, he grows less attached to worldly things, showing a deeper measure of humanity inasmuch as he is more circumscribed to Essence. Renunciation does not thereby exclude participating in the affairs of the world, and neither constitutes a blank denial of ego: just as inferior contents of Being can be nurtured through it, so can higher ones. For ego is not a deceiving construct, but an affirmation of the Spirit qua bound to nature (or to non-absolute

structures), a praxical manifestation of our true self. The ultimate negation of ego really means its transcendence into an absolutized moment of Being. Sometimes, religions are not emphatic on renunciation, presumably because there are limitations on what man is ready to receive at a given stage. The priority in these cases is given to human law and fulfillment, and is rather measured by worldly achievements, although neither forgetting the praxes of brotherhood. The Old Testament, for example, is more a reflection of the ethical codes and human conduct validated by God for the man of this world than a call to perfection (ultimate orthopraxis), a call which took shape above all with the advent of Christ.

Let us now look at an example of the double standard of values: man makes a civic value of the union between man and wife because it is congruent with human nature, which commands man to survive through the production of offspring within a framework of commitment, fidelity and love. This is also part of the divine plan—which thus makes holy such union—and clearly illustrates the concept of natural law in relation to divine will. On the other hand, definitive liberation will generally require celibacy, although not as a mere ascetic achievement, which may still be at a repressive level, but as a sign of detachment. On the subject of this work, the laws of man relate to an absolute (in the context of worldly affairs) value of nomocratic nature, which is in turn praxical within the religious spectrum. Such laws admit as much diversity as such value admits hypostases; however, there is no relativism, only praxis. The union of the laws and values, therefore, is ontological, and their divergence academic.

The philosophy of poverty and the transcendental logic of possession and right

What concerns us here is the matter of salvation in relation to the act of possession; thus, we won't deepen into its relation with love, brotherhood or assistance. Asking man to accept poverty or simplicity and to live according to his basic needs, had it always been the rule, would have man still inhabiting the caves. Some men of the church today believe that no one should produce more than what they must in order

to meet their own needs. This, they say, is more Christian and would prevent crises of overproduction. Is a crisis of scarcity preferable to a crisis of overproduction? Without overproducing, we could not accumulate for the bad times, as Joseph did in Egypt. The spiritual life is an inner matter, whether we are dealing with a caveman or an astronaut. Man, however, must procure wealth as a temporal good, and cherish it less than humanist values. In advocating repudiation of this world as a means to salvation, religions refer to a spiritual attitude of non-attachment, not to a divine will that men actually stay poor. In Genesis, God commands man to subdue the world, which includes exploiting its riches. Only when the precise moment arrives will man leave for good the things of this world, although not necessarily the joyful participation in them; their administration without attachment for instance. The philosophy of poverty is opposed to the way of wealth for the sake of wealth. But above all, to the spirit of conformism with the status quo, or that of trust or satiation in material goods, often typical of the rich. It is proper of the less spiritually evolved man to seek possessions and the immediate satisfaction of his needs and desires, but that also creates attachment, continued desire, constant pursuit, and loss of his peace of mind. Still, if God has disposed that man renounce wealth and desires in order to be saved, He must first make man free to choose, at least on this plane of existence. The matter of wealth is only a particular aspect of the double standard of values. God commands man to renounce wealth on one side, and to increase it through labor and defend it in fire and blood on another; a genuine synthesis of humanistico-religious conflicts arising from the matter of property.

Man may serve God from up close and from afar; the mystic does the former, and the just man the latter. Thus, a just leader, an enterprising worker, the common honest citizen, and a good husband and father, all serve God. Only the saint—I use this term in its highest connotation, that of the perfect man—however, attains the ultimate goal of creation, unity with Being, a universal drive no matter how fully anyone may have realized his capacities at inferior stages. Less than perfect men must still evolve, be it after death on another level of existence or, as many aver, through reincarnation. Now then, even

though material things have no value in the context of the eternal, the way man behaves in relation to this world is valid on every level of existence. Thus it is that man is allowed to own worldly things, but within parameters of ethical content which validate possession before the eyes of God. And thus it is that absolute law is manifested in human law through natural law as it concerns the different aspects of right we have considered. It will not be necessary, therefore, to delve into the human sense (human justice) of certain passages and parables, since it is implicit in the socio-political context of the times. Let us stress again that no moral praxical spectrum can extend to the anti-natural—to immoral acts of possession in our case—and that the times and low spiritual evolution are no excuse for the excesses that men have attributed to a divine design. Every genuine will of God correlates at least to the minimum spiritual level which all men have and are supposed to live up to.

Wealth must be accepted with humility, not with shame. For his excellent labor, the wealthy man must feel pride in his achievement, and yet humility in evaluating its nature before other humanistic values and the transcendent. Shame is the opposite of pride, not humility. Humility is really the opposite of vanity, arrogance, and conceit. As the depository of wealth belonging to God, man must accept possession, and has the duty of increasing it so that it may serve, among other things, to help the needy. If a wealthy man has this healthy mental and social attitude, he will become *the poor* and not a miser and an egoist, and God will look favorably upon him because he serves Him, not his wealth. Greed is a mental attitude, not the act of accumulation in itself. Confucius put it this way: "to be rich and to consider oneself deprived of everything."

All religions promote the pursuit of divine grace the hard way, but for the benefit of oneself, not of others. When Christ commands the rich to give to the poor, he is interested not in the right of the latter, but in the spiritual growth of the former—the triumph, then, of the philosophy of poverty, the finding of the lost sheep. That is what happens when Christ meets Zacchaeus.¹ The episode of Zacchaeus shows that helping the needy must be a voluntary act, a product, if not of non-attachment, which is a later rung in evolution, at least of some meas-

ure of love for others, truly the first step on the road to God. Of course, love also means detachment (from inferior realities).

The rich and the poor must love one another; Christ so commanded it, thus intimating that both have a place in the scheme of things as a natural socio-political occurrence. But while the poor do not have the right to demand anything merely by virtue of being poor, having compassion for them is mandatory as we owe it to our best human essence and to the nature we have in common with God. When Christ tells the rich man he must give his wealth to the poor if he would enter the kingdom of heaven, a sad countenance envelopes the man, and Christ is moved to utter the well-known dictum that it is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God. It is clear that implications of the sort of exploiting the workingman or neglecting social justice cannot be drawn from a passage obviously related to attachment. It is not that the rich man is unjust, but that if he would transcend his inferior nature and attain salvation, Christ tells him, he cannot serve two masters, and must choose between God and wealth.²

From other passages and other religious texts, we learn that the rich may possess much and yet not be subjectively attached to their possessions—at least not to a point incompatible with spiritual advancement—while the poor may have many bondages. Thus, the references to the rich and the poor are mere illustrative paradigmatic examples of subjection to and of freedom from worldly things. The Bible made it clear: not money, but the love of money is the root of all evil. The Hebrew word *anauuin*, used in the pronouncement *blessed the poor* connotes more than the materially poor, the social outcast. The humble, those who suffer of deprivation, oppression or injustice in resignation, they are the blessed ones. On a holy mission although not yet holy themselves, those disciples who followed Christ started on a committed path to salvation when they abandoned all their possessions in their pursuit of the kingdom of God. This does not mean that God rejects those who conscientiously engage in the tasks corresponding to far-away steps. It merely points out where such tasks belong in the absolute scale of values; it would be an irresponsible act to turn away from our families in all the circumstances we feel

we are called. And let us not forget that the demand of *hating* our families as a requisite to follow Christ, also alludes to renouncing viewing the family as property, that was the cultural *ethos* in those times. Although they continued their mission after the death of Christ, several apostles even returned to everyday affairs.

Most Christian theologians see divine grace as unfathomable, if not an arbitrary expression of divine will. But—except for the primordial universal endowment with the divine spark (or the human spirit), if we can call grace such a thing—grace always objectifies merit, which we can assess more or less properly by the attainment of higher humanistic levels. The problem arises because all too often the previous actions (not necessarily works) of those upon whom grace is bestowed do not seem to justify their gift. In a strict sense, however, human behavior shows us only one facet of man, and may completely conceal his true self, which is known only to God. Thus, merit seems to be the logical condition for being the recipient of grace.

Divine grace and punishment are expressions of Being—which only in the context of the world acquire connotations such as reward and desert—devoid of any changing or modifying power as seen from the absolute context, because the latter comprises once and forever all that God might give rise to as new. In other words, the state of eternal *nunc* excludes the notion of becoming. Denying the above is tantamount to conceiving existential moments lacking within the Absolute. At the same time, as nature is forever present in the Absolute, we can deem it determined rather in the sense of expressing the same absolute reality extrapolated in the context of the becoming. That is the true nature of providence in supra-cultural religious exegesis. This concept can be better grasped through Hinduism, except that there is more emphasis on *karma*, cause-based merit in this case. Consideration certainly must be given to *karma*—although not in the sense of mechanistic but in that of existential determination. Obviously, the matter is one of the utmost complexity, but we could say that given the reasons just stated, divine agency (the Absolute qua manifested as the world or human nature) is better seen as a field of *acausative predetermination*, so

spatio-temporal events, categories and phenomena are also determined according to their substrata. That is, the existence of a superior plane does not invalidate the rules of nature, nor runs against them. Thus, indispensable as divine agency (the absolute substratum) is in order to attain grace, so it is for everything else to happen, and only acting in accordance with our true self can be deemed the efficient cause of good. Otherwise, freedom (as defined in spatio-temporal terms) would make no sense. Christ seems to me to be clear on this: while He warns on the one hand that salvation is impossible without His intervention, He praises on the other the good we do to our neighbor. Also, if we follow the Jewish cultural idiosyncratic perception on this matter, it is plain to see that man—through his participation in the nature of the Divinity—is also a source of good in the world. Let us merely keep in mind that every morally good action results from spiritual transformation, which is in itself salvational.³ God is supposed to assist and try to enlighten us, but we have to develop our potentialities ourselves. It follows from all of the above that the poor do not attain grace merely by being poor.

Christ lived among the poor because they were oppressed and rejected in those days—the rich were sated in general—just as He walked among the sick, who sought Him, without that meaning that the sick and the poor thereby earned automatic redemption. A being on the mission of Christ also needed to stress the paradigmatic path to liberation, so difficult for the rich to understand and accept. Yet other religious texts teach that God may abide with good men of means, and indeed some parables of Christ show precisely that. When Christ condemns theft, and sets the praxis of mine and thine, the earthly purport of such references is obvious, for one cannot steal that which belongs to no one. As everyone up to Sai Baba proclaims, if man wishes to achieve liberation and spiritual evolution, he must forgo the concept of mine and thine, denying the world and its appetites. It is precisely in the sense of a ritual communion with our brothers and sisters, that we must interpret the words from The Lord's Prayer, "Give us this day our daily bread..." Let it be noted, however, that all of the above does not interfere one bit with the expression of nomocratic right, because it represents a voluntary surrender of

legal entitlements. Gratuitous help is a way of realizing the Kingdom on Earth, for it shows brotherhood. But so it does recognizing economic justice. As it must be obvious, yielding one's own rights can be materially fulfilling for others, but spiritually fulfilling only for the donor. Christ said that what good is done to others is also done to Him, but that makes sense only when the act of giving is imbued with a positive spiritual attitude. It is our show of brotherhood—unbounded by attachment, subjective preferences, prejudices, feelings or second intentions—that *does God good*, since good does not triumph over evil merely because material benefits are bestowed upon someone as a result of legal dispositions or coercive traditions. God is more pleased by the sacrificed implied in charity than by any relief brought through it. Christ denies merit to giving good things to those we love because that is easy, and because it does not exclude egoism. Christ wants to stress the virtue of universal solidarity.

"I am the good shepherd," Christ says. "The good shepherd giveth his life for the sheep. But he that is a hireling and not the shepherd whose own the sheep are not, seeth the wolf coming, and leaveth the sheep, and fleeth, and the wolf catcheth them, and scattereth the sheep."⁴ Here, it is clear that Christ justifies and dignifies the possession of material goods, and commends he who takes good care of them. In all of this, Christ also speaks of the existence of masters and servants as a natural pattern in the fabric of life. The word of God. Christ, of course, could not favor class differences which attempt against human rights and dignity, but He recognizes status and merit. Religions must oppose all class divisions which block the full development of any of the children of God, promote selfishness (in the pejorative sense of the word), and deny love. But when classes take shape naturally and legitimately, and wealth and social achievements are accepted in a spirit of humility, there is no lack of help for the needy, justice does not go begging, and all is well in the eyes of the Creator. And higher and lower spiritual classes are certainly a feature of the religious life.

Let us not forget that, according to Luke, Jesus said that He had not come to distribute things among men, as when someone asked Him to tell his brother to share his inheritance

with him. And Luke, Mark, and Matthew warned about what the winegrower would do to those who would steal his property, the vineyard which he had grown and which, contemplating a long absence, he assigns to some farmers. We learn here that capital is a rightful source of earnings, even if its owner and creator no longer works it directly. This, of course, applies on the worldly level; on the level of the absolute, the vineyard (the Creation) belongs to God. In His parables, Christ never touches upon a socio-historical event—a story about a landowner, for example—merely as something that happens upon which He bases illustrations of human virtues and failings. He either justifies or condemns the event, thus permitting an extrapolation to the social order. Even less in theology than in any other discipline, we cannot assert that a property owner is a virtuous man because he conducts himself righteously in regard to his possessions, and at the same time espouse a blanket condemnation of property. That would be the equivalent of singing a paean to love or some related virtue on the basis of an adulterous relationship.

If we now turn to the Old Testament—focusing in the notion of right to something and not in the possible arbitrariness of the demand itself—the rights of God's people to the Promised Land, and so on, are mentioned everywhere. There are many references to what rightfully belonged to this or that individual, beginning with the offspring of Adam and Eve, and to the inheritance left to their children. There is reference to Jewish celebrations, which, besides the pure religious context, also implied *superfluous* expenditures and labor performed for purposes other than mere survival. But if everything belonged to everyone, how could anyone have the right to celebrate, especially when others might be experiencing hard times? Given the unified theologico-political cosmivision which characterized Biblical times, right had to be part and parcel of religious praxis. And Ecclesiastes is the clearest exposition of the right to enjoy the fruits of labor when one acts without vanity. With the advent of the monarchy, the prophets denounced most harshly the prevailing injustice and resultant poverty. The Social Doctrine of the Church and liberation theology have both precisely taken as a guide the words of the prophets. But any attempt to deny the right to

property is definitely not in line with prophetic thought, since the prophets always denounced injustice in relation to the legitimate exercise of right. Above all with the advent of Christ, the emphasis is on lack of brotherhood. But it is obvious that what this brought was precisely a denial to the poor of their constitutive social rights.

In Leviticus, God does recommend some welfare measures, the redemption of the land and rural dwellings after fifty years, for example, but this only reveals a practical need—like many others, such as polygamy—since in those times owning no land was likely to result in servitude. It is clear that the purpose of the jubilee year was to prevent perpetual bondage. And nothing resembling equal distribution is ever imposed; debts and how they must be paid, income differences and litigation, all are mentioned. There are warnings against holding articles in pawn and against charging interest, but the intent is to prevent an impoverishment beyond a dignified level of existence.⁵ Free pickings of the product of the Sabbath are readily identifiable as a form of tribute to society. Joshua 21 also describes the establishment of commons, but these were granted to family groups, not to the entire community. The Mosaic Law shows a praxical adaptation of the market system, and cannot fit within socialism. Islam, too, justifies private property. The Koran values inheritance, and even indicates how it is to be distributed; envy and theft are condemned, as well.

In the Bhagavad Gita, Krishna tells Arjuna that those who wish to enjoy the fruit of their labor are greedy; this, of course, is a reference to detachment in a passage in which Krishna asks the great warrior for devotional service. Let us note that although as a rule God speaks in relation to the absolute paradigm, orthopraxis is implied. Krishna says that all present work must be performed in the best possible manner, whether it is related to war, trade, or agriculture. As such performance will lead to abundance, progress, or power, if man has a right to engage in *karma*, his right to the fruits cannot be denied (Sai Baba). Thus, what God wishes is for man to abstain from the worldly enjoyment of such fruits, the result of a desire for and attachment to them.⁶ Profound philosophy this, but where do Marxism, socialism, and liberation theology fit here?

Whenever religions have been called to set the juridico-economic framework, we can verify a praxical enforcement of the principles of nomocratic right.

Let us take a moment now to consider power, since much of what can be said about property also applies to the former. Christ favored the humble and harshly rebuked the mighty, and religions place humility above arrogance and pride. This, however, is to illustrate the dangers of the ego-boosting capacity of power. Moses becomes mighty and a leader of his people, and it is only to him that Yahweh speaks and entrusts the tablets of the law. As the Mahabharata tells us, Arjuna was a mighty man, a prince, and it is only him that Krishna will serve as charioteer. On these majestic occasions, God speaks mostly to mighty men who have attained their might justly and exercise it properly, who are also (and for those very reasons) humble and unattached to power. Transcendental logic this, and all the word of God. The gift of power must be accepted as a challenge and as a test, as our *karma*, so to speak, and the same is true of wealth.

Religions have always been careful not to reduce everything to the final synthesis of the absolute. Our loss of ego and identification with the One take place on another level which do not negate individual discourse or individual responsibility in this world. We may all be equal before the law of God, and we all have opportunity to know Him, but we are all in different stages of evolution or understanding. Otherwise, we could not explain why He used His power to open the Red Sea—let us not debate the historical accuracy and focus instead on the meaning of the event. At least in this world, we cannot equate Herod with Peter, or the Kauravas with the Pandavas. God knows how to give differently, and He can recognize the virtuous man among a multitude of sinners. Divine justice implies, in the total discourse of man before God, that opportunity is equally given. But individual virtues will determine who are the chosen ones for the present tasks, in spiritual as well as in material matters. In primitive religions, Hinduism, the Old Testament, Islam, Christianity, the Popol Vuh, and others, triumphant individuals and groups have always been the object of admiration. Given that God granted men the world, the right to property is undeniable. Capitalist philosophy, howev-

er, is not the philosophy of opulence. The latter is a spiritual attitude, while the former defends the state of right and fulfills the natural mandate to consider wealth a good to be pursued by the man of here and now.

Pseudo-renunciation

Gandhi used to say that his golden rule consisted of absolutely refusing anything that millions of others could not have, which contradicts the religious spirit gleaned from the texts. Otherwise, as narrated in the Mahabharata, Krishna would not have told Yudhisthira to go rule as a prince, and Yudhisthira would have had to relinquish a power millions of others could not have. The same is true of wealth. A special God-given talent must serve to help others, but, save for charismatic gifts, personal benefit must be derived from it as well. Because while it is a gift from God—which carries an obligation of human solidarity—such a gift is also a source of right over that talent, since among other things talent always requires effort in order to develop.

Man seems capable of possessing things without degrading himself, as well as of placing some limits on his desires. Socialism is exalted by Gandhi because, according to him, it implies non-possession.⁷ A business leader who creates wealth and helps humanity, all the while subsisting on a daily portion of *chapati*, as Gandhi required, would be worthy of our greatest admiration. But legally enforced, such a thing loses all of its spiritual character. The solution lies not in that, but in increasing production.

Individuals of great moral standing sometimes lack wisdom and espouse unjust doctrines. We cannot judge them evil as long as they promote neither violence nor stealing, but we have sufficient basis to reject their theories in the religious texts which contain the doctrines of the greater mystics. If wealth is an obstacle on the road to perfection, why is it that the tyrant is commanded to return that obstacle to the people? In order to fulfill right to be sure, but also in order to give man a tool to prove himself before God. And since both right and non-attachment can only be meaningful at the level of the individual, the first as a positive statement, the second as a

matter of free choice, socialism is as much pseudo-right as pseudo-renunciation.

God so wills it!

Many believe that religions disavow war no matter what the circumstances, but all sacred texts justify it when it constitutes precisely the way to win the peace. Peace is considered the supreme good, but evil (or the anti-ethical) must be defeated if we are to achieve it. Christ proclaimed salvation for the meek, not for the violent, but in reference to what must be our underlying disposition of spirit. The Old Testament, which narrates episodes of just war, led to the New, and Christ, though transcending it, never disowned the Old. There is no real discontinuity between both, just a matter of different praxes and the fact that Christ set Himself to revive the spirit of compassion and brotherhood that the people had lost. And war is no stranger to the Koran, the Popol Vuh, and the Bhagavad Gita, among others. Still, it is undeniable that racism and other interests have played a role, and that the proclamation of holy war has served too often to justify what cannot in any way be justified. *God so wills it!* shouted the Crusaders, while the Moors sharpened their cutlasses the better to cut down rivals in the name of Allah. A theologically difficult situation for those who really anthropomorphize God and still want to avoid falling into fanaticism. Most probably, God favored no one in this case, because the intolerance and the irrationality of man frequently make both rivals at fault. The fact is that if the Crusades had taken place at a propitious time, they would have been included in the Bible and in the Koran, and attributed to the will of God instead of man's.

Today we are making religion, that is, we are writing passages which will be included, or might be, in future sacred texts. In demanding that justice be an inextricable element of human conduct, God is pointing out the way to peace: conflicts are born of faulty discernment, at least by one of the parts involved. When reason, or simply good will, prevails, justice and peace must reign. There is no doubt that God will call those who live like brothers His children. Let us note, however, that peremptory divine commands always refer to justice,

peace being more like a blessing. God will always demand of man that he examine his own conscience before he takes up arms against another man, and that he make the utmost effort to compromise and to make peace with his brother. But on the other hand, an extreme pacifist stand which would buy peace at any price, even sacrificing justice, is decidedly not orthopraxical. There are no groups permanently favored by God, nor all their struggles will therefore be just. Instead, there are causes which must always be embraced and defended, causes which relate much more to human justice than to religious dogmata or beliefs, or to God Himself. Although the Holy Father rightly says that it is men who kill, not swords, in these cases men usurp no rights when they take the lives of others: they act, instead, as instruments of divine will.

A people without wars, it has already been said, is a people without history. A people who refuse to engage in a just war is a people without faith. Ideally, mutual deterrence should be substituted by mutual trust. But knowing what we know of man, it is better to be as prudent as he who fears his neighbors, as Lao-Tse used to say. A mystic, who no longer fears anything, may be little concerned about such worldly matters, but that is not something we can ask of the common man. Religions tell us to forgive those who offend us in order to share in some kind of infinite mercy. Forgiveness, however, also has its praxis and never precludes the karmatic consequences of a bad deed, which usually express in lack of peace with the neighbor, or in some other deleterious way. Forgiveness which transcends human justice is better left to God and our hearts; otherwise, criminals could not be punished. In judging a criminal, we do not enter into metaphysical musings which on another level of reality and within the context of the eternal would place him side by side with a saint; we find him guilty by virtue of his having committed an established crime. Neither should we enter into such musings in the case of an armed group. Religions command us to love our enemies; for our own sake, there must be no room for hate in our hearts. But our failure to comply with that command, even though it is the rule, is never attributed to war as such. This is called understanding human nature. The word of God.

The man of proximate steps, more spiritually evolved, may reject all violent reaction, even when it is designed to defend the most fundamental rights. But that is praxical only to his particular spiritual disposition and development, and not to that of the man of faraway steps, less spiritually evolved, who must carry out human justice—a clear example of the absolute standard adapted to each human spiritual circumstance. In my belief, we are warned against casting the first stone for reasons having to do less with the act itself than with our spiritual failure to see ourselves as sinners. On the other hand, passive resistance, and turning the other cheek, must not be construed as submissive acts, but rather as subtle ways of pointing out the error and stupidity of others, somewhat like saying, *Strike, but listen!* They are, in a way, transcendental acts of scorn towards the aggressor, and instances of elevated humanistic praxes. Force and mind cannot be said to be opposites when force provides a shield for the truth. The commandment not to kill is primary to all religions, but this is based on the sacredness of life as a right and on the overall primacy of love and forgiveness. There is also a tacit commandment to defend the truth, which can be made concrete in fighting a just war, which God deems a majestic, responsible act, and not a disgrace, as long as the spirit of benevolence and non-attachment transcends the violence of the moment. What is more, certain sacred texts are rather importantly and in good measure chronicles of war, and of how God related to the men in those wars.

In theology, the message of faith is more important than the historical context. But, praxical correlate of the message that it is, the story carries crucial relevance. The narrations often reach hair-raising extremes, such as the extermination of the Midianites ordered by Moses, and chronicled in the fourth book of the Pentateuch. A somewhat superior theological understanding may try to interpret such actions, not attributing them to commands of God, but as inferior praxes provoked by some grievous sin of the victims, but this is also biased. The difficulty presented by the generalization implied in this situation may be alleviated if we consider the times and a racist environment, as universal brotherhood can be preached in any epoch.

“Be strong and brave,” we are commanded. In these cases, it is worth reaching beyond our usual concepts: death, according to religion, is nothing but a passage to a different existential state, so taking the life of the enemy only destroys him on this temporal plane of existence, a futile consideration in the face of eternity, unlike feelings and motivations. Divine justice will settle accounts later; thus Krishna instructs Arjuna.⁸ God (to follow the Hinduist belief), commands us to perform every labor to the best of our ability; that being so, He demands of the warrior—the genuine *ksatriya*, that is—that he use the full measure of his skill in the pursuit of victory. We assume, therefore, that in the end He will outfit those on the side of justice with the best weapons, and that they will use them for His glory. Extremely grave considerations arise here, however, especially in relation to the present days, but we will enter into these considerations in a later chapter.

Usurpation was the reason for the war of Kuruksetra. Krishna loved the Kauravas in spite of their defects, but He wished that the Pandavas would destroy them so that justice would be fulfilled in this world. That was why He reproved the great warrior Arjuna, who let himself be influenced by maladies similar to those of present decadent movements (although, of course, he was also motivated by a spirit of conciliation) and refused to enter battle against his cousins. This was his obligation as a member of the warrior caste, because the Pandavas had a right to the kingdom even though Yudisthira had lost the latter as a result of his passion for gambling. Krishna rebukes Arjuna for his faintness of heart and for his degrading impotence, and successfully attempts to convince him to march to war. God had attempted to mediate between the two sides, but when the task proved impossible, He offered each a choice between His army and His assistance. The just chose His assistance. The Pandavas, however, had a powerful army of their own—faith has never been enough by itself. A great warrior, and powerful weapons, are needed—God helps those who help themselves, the saying goes. As a guide to conduct on this earthly plane, the validity of the lesson contained in this tale would be little affected if it turned out to be no more than symbolic fiction. Needless to say, when all men are ethical, armies will become obsolete. But in the meantime...

In order to defend a just cause, it is not necessary to be a saint, and it is not necessary to be a saint in order to act mercifully even in the midst of the battle. God wants and commands that truth be defended, even though there will be sinners among its defenders. Nevertheless, I have no doubt that when the time comes, judgment will be particularized, and no one will be condemned who was compassionate and truly thirsted for justice, even if he may have been wrong. Obviously, it is simplistic to envision a God who comes down from Heaven to defend some and punish others. This is only a didactic analogy to the consequences of the different-evolution praxes of the human spirit. Divine intervention is an expression of the Absolute in the world which determines the historical process through the mediation of man or nature—or, on rare occasions, through an intermediate plane according to what is eternally present in Being.

One must wonder what accounts for such intervention, which does not seem necessary in order to orient what has always been and will forever be oriented. But, given the unity of Being, the world always and in its totality manifests a dimension of the absolute in terms of time and space. That is, God is never absent from any worldly moment, manifesting (*intervening*) according to and as the essential determinant of everyone, including crucial moments where—for reasons that have to do with the nature of the world as the historifying field of the contents of Being—the Absolute makes patent to our eyes its *trans-absolute truth*, what transcends and surpasses its counterpart, evil (more on this later in notes five and six in chapter two of part two). Naturally, such transcendence occurs also in the world, only it is not patent to superficial factual analysis. The question belongs on another level, that of how and why truth is determined, for which I neither have nor pretend to have an answer.

Notes

¹Luke 19:1-10.

²Luke 18:22-25, 16:13.

Some versions of the Bible quote Mark (10:24) as saying that Christ made clear that it would be difficult for those who trusted in riches to enter the kingdom of God.

³The matter of grace must be considered in the general context of salvation. Given all the factors conditioning man toward the negative, every effort or simple awareness that he must start looking for the good is something that we can deem meritorious. And such change of mind is, by itself, a carrier of grace. Pelagius was right up to a point, since grace is a determination of Being which is imbedded in nature. In this context we are all probably saved in the end, the ontological overcoming of evil taking shape historically in the temporal realities, where good works and a good spiritual attitude are the salvational agents par excellence. Obviously, not man's biological support but his spirit is the real salvational agent. Some aspects of the Christian theory of the grace—here I mean Christian theology, not the preaching of Christ or its integral religious (correct) exegesis—practically deem man autonomous only to do evil.

⁴John 10:11-13.

⁵Leviticus 25:35-37. What is more, some translations point out those impoverished in business with one of his brothers the beneficiaries of such grants. But in turn, the grantor might be entitled to buy and keep the beneficiaries as his servants till the jubilee year (39-40). Let us also remember that most of the property could not be redeemed, and that redemption is also a way to remind man of God's primacy as owner of Creation.

⁶It is better to consult original sources on these matters. *El Bhagavad Gita, tal como es* (with commentary by A. C. Bhaktivedanta Swami Prabhupada, The Bhaktivedanta Book Trust, México 1978) is a trustworthy guide. There are various kinds of attachment to material things, some of them in no way contemptible.

⁷*Hacia un socialismo no violento* (Gandhi, M. K., Editorial La Pléyade, Buenos Aires 1977) may be consulted on the matter. In Part II, *¿Qué es ser socialista?*, page 27, Gandhi identifies spiritual unity with the absolute with a material equality of all men under socialism, although he usually demands equality of social appreciation in the wide humanistic sense.

⁸In *El Bhagavad Gita, tal como es* (Ibid., Ch.II, p.41), Krishna says as follows: "For him who is born, death is certain, and for him who has died, birth is certain. Therefore, lament not the inevitable fulfillment of your duty."

Part Two

Praxis

CHAPTER I

THE WEST

When we speak of the West, or of Western culture, we usually mean the culture developed by the Western European countries and the United States of America. This definition is acceptable, but we must take into account that there are countries on the Eastern half of the world—Japan, for instance—where the Western lifestyle predominates in certain spheres. Also, the most typically Western culture is more clearly manifested in some social strata, and not in others within the same country, as is the case in Latin America.

Western society is the most protean of all those known. The abundance of subcultures is impressive. There is, thus, a great diversity of political, religious and economic thought. That is why speaking of the West as something typical almost always leads us to error. Several peoples in the world have become Westernized; the *ethos* of Latin America is far more similar to what we might call Western than to its indigenous culture. Australia, New Zealand, South Africa, Taiwan and other isolated countries of the main geographical bloc might also be classified as Western. For our purposes, and with the suitable exceptions, I will characterize the West in two words: democracy (capitalism) and Christianity. Evidently we must exclude Japan from Christianity, and the communist regimes and Latin American military governments from democracy.

It is also difficult to define the East, or Eastern culture. It is generally understood by the latter that of the Asiatic peoples from India to the Far East, including the Arab countries to some degree, identifying it with a contemplative, less materi-

alistic lifestyle and by a greater attachment to tradition. And in speaking of politics we confront yet another difficulty: the Soviet Union and East Germany, for example, used to be classified as Eastern, and capitalist democracies as Western, even though communism never identified with anything which could be considered Eastern, not even in its origins, and formerly communist countries were very Western in other aspects. Keeping all of that in mind, the distinction is useful and must not cause confusion.

For various reasons, which we will consider elsewhere, the messengers of death and destruction have found a willing audience in those who do not understand what Western culture is and means, and how it works. Problems exist, such as the terrible threat which the destruction of the family is already posing. But on the other hand, if something characterizes the West it is the underlying cultural strength and vigor which is little appreciated by those who think that nothing works, that the societies where they were born and raised are worth nothing. This phenomenon has brought about desertion, deculturization, and the rejection of the crucial value that interests us here and which democracy and Christianity uphold: individualism. Those who never find themselves, who have no expectations from the future, the weak-spirited, the insecure and the confused, make up this army of deserters, pessimistic and ominous. I must make it clear, however, that I refer to the total event, not to each particular instance, often devoid of evil intention and deserving only of compassion.

Certain deserters of the Western faith abandon it out of disillusionment with its *materialism*. If that were their point of view, it is not clear why they often abandon their religion. This is a special group, mostly unrelated to the political and ideological deserters who have really turned militant against democracy, but it is also a group which undermines the solidarity needed for defense, since it is prone to be sympathetic to any socialist scheme, which it deems humanitarian. They cannot tolerate talk of economic progress, and see Western man as lacking in moral values, to which they attribute war and other problems. They fail to observe, however, that their neighbors in the East live in glass houses. They admire

Hindus, and Easterners in general, excessively. They forget the terrible struggles for power which devastated India after its independence. They forget the problems with Pakistan, and the many instances when Bengalis and Sikhs have perished over religious differences. These are things of the past in Western countries. The West seems to have an edge on decadence and common criminals. The cruelties unleashed by the communists in wars over Vietnam and Cambodia, however, have no parallel in modern Western history. And the way the Hindus put it into practice, the caste system is second only to communism as the most unjust and humiliating insult to human dignity ever conceived. Compared specifically to the US and Western Europe, the corruption of the ruling classes, and the disregard for the welfare of the people seem to plague the East more than the West. Of course there is peace in the ashrams, but there is more to the East than ashrams. And let us also consider China and its recent revolution, with deaths in the tens of millions, a thing of the past in the most typical Western countries. It seems patent that this reflects more of a humanistic than of a simple civic advancement.

Neither Europe nor the United States of America have been free of war, such as the Second World War. But it is clear that this conflict did not reflect any generalized vice of society but the biases of extremist groups. Surely the same explanation holds true for similar events in the East, so I merely try to prevent others from idealizing another culture to the detriment of our values. The important thing is to understand that, at the very least, the West is no worse, and that it is better to fight for the real values that it has than to attempt to substitute them for others. I understand that there are truth-seekers and not deserters who do not reject the inherited values, but merely adopt a different, idiosyncratically-bound, lifestyle.

It is of utmost importance to consider, from a cultural point of view, what the West has meant to the world: consummate artists, great geniuses, great inventions, great changes, great revolutions, contributions perhaps without parallel in the rest of the world. The great Christian mystics have nothing to envy others, and the Western philosophers are as influential as any. Where has another Da Vinci been born? Where a painter like Dali or a genius like Einstein? Who discovered electricity?

Who travels to the moon and who has traversed the seas? Who has advanced the world? The great technological advancements which might bring the masses relief from poverty, where are they developed if not in the West? Who has elevated the social status of the women? Where, if not in the West, did the two great libertarian struggles of modern man—the US Declaration of Independence and the French Revolution—originate? Where the play of ideas and the fighting spirit of individualism if not in the West? But even above that towers the role of the personality which can do most to allow the human race finally overcome their differences and achieve long-range agreements leading to peace among nations: Jesus Christ.

I am not placing Christ or Christianity above other great men and religions either; I am saying that His is the most moving example and the most expeditious for promoting such purpose, given that in Him both: doctrine and the example, emphasize love, understanding, charity and brotherhood, which are the most approachable and praxical paths of reconciliation for the majority of common people. We must always be mindful of the particular sensitivities of each culture to the transcendent values, which at the bottom project the same principles. The Buddhist Eightfold Path, for example, also implies a distinct reconciliatory fiber. But in the last instance, for achieving peace within the worldly affairs, what counts is the disposition of each soul to accept the said values. Now, Christianity differs in important points with oriental religious beliefs, but mainly within the metaphysical realm. For example, Christian theology is dualistic, as distinguishes between God and Creation, while oriental theology tends to be monistic or agnostic in that respect. However, in regard to our present concerns, Christianity is partially rooted in an oriental religious mindframe. There are differences also here, as the first puts more emphasis in collective redemption, while the second, without ignoring the social framework, points toward the individual. But that difference is amenable to conciliation and, as we have seen, mainly through a deeper and more fundamentalist approach to the preaching of Christ. What matters is that nor Christ nor any religious oriental leader has neglected the individual as the basic subject of right.

The East has managed a greater integration of daily life with philosophy and religion, and has advanced farther in the

encounter with our true self. The West is beginning to move again in this direction, however, and it seems that this time it will go the full length. It may even offer innovative explanations of the above mentioned phenomena, bringing them into the realm of science. The West may travel to and populate the stars, and bring physics and metaphysics together. Many books can be written about the defects of Western culture, but many more about its virtues. Summing up, an incredibly vast culture, the most creative in the world, and one which must in no way be underestimated. And there is more. The West means much more, infinitely more, and especially in these historic times, the hope of freedom for all men.

The leader and some of its challenges

There is no doubt that only great men could have forged a great nation, and that a decisive step in the advance to the realization of the full individual was taken with the US Declaration of Independence. The truly libertarian values, such as the right to the pursuit of happiness, preceded even the concepts of the French Revolution. The protagonists of independence etched in their political constitution the principles of nomocratic right as supporting pillars for the realization of the American dream. These were *the old Americans*: courageous, just, devoted to an honorable peace, dreamers, men of faith, and titanic defenders of freedom. Many do not give these great historical figures the importance they deserve, tending to be substituted by weak-spirited groupings—some of them prone to senseless violence—far from possessing that great faith, wisdom and resolve. There is a lack of gratitude toward those who bequeathed the modern political enlightenment, and a tendency to diminish their actions and ideas, only because they did not implant socialism in the burgeoning empire; the French Revolution is similarly criticized. These attitudes, part and consequence of an ideological attack against the West, should serve to identify the enemies of freedom rather than to inculcate and develop feelings of guilt. The American dream was one of liberty and justice, of creating a country where everyone could feel a full individual and truly the object of rights, a country where immigrants would find

the promised land. It was capitalist philosophy, and not anything else, which caught fire in men and took the country to the top. It was the recognition of full individual rights, which made subsequent generations great and free. This clear and vibrant philosophy does not touch a chord in many today because it is not half-hearted but combative. I must say that any general judgement I make here is only paradigmatic. Each person is a world in him or herself, and may possess, in the overall reckoning, values more worthy than ours.

The great North American values have been manifested above all in the attitude toward the vanquished. The conduct of the United States of America towards Germany and Japan at the end of the Second World War was exemplary. Unfortunately, there is a tendency to rest on one's laurels. Each historical period faces a different challenge, and there is never an end to challenges. Two hundred years ago, the United States of America confronted the task of creating the necessary economic and legal infrastructures for development. This was fully achieved. Today it confronts the enormous challenge of keeping its identity and preventing the extinction of freedom. The common, ordinary modern American must work hard to make his way in the midst of vast competition, and has little time to think about the historical challenges which have arisen. Most tend to hold on in their hearts to the values they have inherited, but are being exposed to merciless ideological bombardment. The function of the average American in the US is to produce, leaving the setting of policies on every field to a series of elites. The problem arises because elites do not function properly when their power does not come from the basis of aristocratic status and prerogatives. On the one hand, they must resort to demagoguery, while on the other they tend to utilize underhanded maneuvers to further their goals. For their part, majorities are not prepared when important decisions must be made and tend to be easy targets of propaganda.

The US is the society of subcultures. We may consider any human group a subculture which is more or less numerous and is characterized by possessing values or customs and by pursuing goals which differ from those of the majority which contains them, tending to parallel and persist indefinitely as a different lifestyle. The term generally refers to racial and reli-

gious minorities, but here we would like to extend the concept to certain groups which share a special well-defined ideology or conviction, representing what we could call an idiosyncratic tangential expression of the main cultural traits more than just differing viewpoints or psychological dispositions. Thus, I do not mean to include political parties, guilds, specific ideologies, or circumstantially dissident groupings within subcultures.¹ Subcultural phenomena do not have to be counterproductive. Quite the contrary, many can actually enrich the cultural trove. The most important racial subculture in the United States is that of the blacks. The days of slavery are long gone, and blacks do not yet have the social status that they deserve. Still, I think that one of the best ways to overcome such a situation lies precisely in reencountering thoroughly with their cultural roots.

There are subcultural groups, such as secret or illegal societies, which are of no ideological importance. The same cannot be said, however, for *machista* and feminist groups, which I deem subcultural because of their power to alter the fundamental *ethos*. We will have to say more about the former later. On the other hand, the feminist subculture has such positive characteristics as promoting the integral development of women and the end of any discrimination against them.² But there are some tendencies within it—such as the fad of single parenthood, of course, a goal alien to the mainstream—in tandem with irresponsibility, selfishness, and lack of tolerance, in women as well as in men, which may give substance to one of the greatest threats ever confronted by the institution of the family. Obviously, there are necessary and appropriate sociocultural changes, but these must not entail the disintegration of useful institutions. It is true that eventually another type of family might work, but that is not what is happening. What children are observing is the breaking of the most basic link of human solidarity, which did not occur before with other types of family. This cannot be good for the psychological development of those still immature and dependent, and may affect their otherwise spontaneous tendency to appreciate and stand up for the fundamentalist cultural values in general. The moral and political implications of this situation can never be overemphasized.

Subculture must not be confused with fashion-related grouping. Fashion entails a certain change in preferences specially in the field of esthetics—which tends to be temporary and does not depend on any ideological factors. In some cases, however, fashions end up acquiring certain structural norms which serve them as a basis for enduring, at least with a reduced number of followers, and for developing some ideological cohesion and, as a global phenomenon, even an ethical code. We can no longer speak of fashion in these cases, but of a kind of subculture instead. Perhaps it is rather a conviction or a common basic attitude which extends throughout a fashion, the latter serving as praxis to agglutinate these attitudes. On the other hand, pseudo-conviction³ and better communications, more than anything else, have been influential in achieving the social crystallization of fashions. Fashion is not harmful in itself; but in the West it has become integrated as a cultural trait. A culture of fashion seems to be developing as an important standard of values, becoming an influential parameter for the judgment of anything, including fundamental traditional standards. Fashion is no longer a passing thing, but is accepted as a way of life and is integrated to society as an institution, with its visible body represented by the media and those alienated by it. Unfortunately, it offers nothing genuinely fulfilling. It gives rise to the *in-individual* whose personality is dictated by what propaganda makes popular—the *other-directed* of North American sociologists—an event which is totally counterproductive to the development of a healthy personality. There is a constant search for banalities to fill what in reality is an empty life. The cult of comfort and material things often comes together with this culture of fashion. Fashions succeed one another, but the individual is never freed from the search for the latest one, and in this he spends and wastes his life. There then ensue the corruption of customs, the loss of moral standards, and eventually the destruction of the useful institutions. The vicious cycle may lead to the creation of a superficial society interested only in living for the moment, and unprepared to fight and confront the historic challenges of the time. Such a society may reach the point of internal chaos, creating a generation of dissatisfied, insecure and low-level fulfilled human beings.

Until recently, the judicial branch in the US had been able to annul laws opposed to natural law. This has been lost in part because *the new morality* demands laws which comply with the new convictions of modern society. These convictions—they are that in name only—are nothing but fashion, superficiality, pseudo-conviction, and a reflection of the loss of true values. New morality claims to be *open*, but the tolerance or pluralism it shows is not the product of understanding and benevolence but of self-indulgence and amorality. Since education and the tendencies of large groups are powerful—they can make the factual seem rational—great maturity is needed in order to remain a full individual. Still, a significant number of today's youth reject all of the above, and (although often unaware of it themselves) possess fundamentalist values and deep faith. From the joint action of various phenomena emerges the subculture of the deserter, a cause of social fission on more than one occasion, and of the decadence of certain segments of the population.

Because they cause dangerous cracks which threaten the unity of society, some phenomena deserve separate discussion; some are more provoked than spontaneous, and I therefore call them assaults. There is, for example, a moral assault purposefully aimed at destroying ethical and family values; not much more needs to be said about this. There is an assault on the Christian faith and on faith in general, and an ideological assault on capitalism; we will discuss these soon. Fortunately, many hold on to their principles, and they are the ones who move the world forward. The anti-natural ideology will only be able to triumph when it destroys the pillars which support the faith of the West.⁴

Notes

¹A very important phenomenon of this type was the hippie subculture, one of the most worrisome happenings to occur in Western culture. In itself, the hippie subculture began as a humanistic movement, and we must recognize that there were among its members people of great spiritual worth. I have nothing against them in that sense, because as individuals most had good intentions and some correct ideals. Besides, they were not despots or anything of the kind. But as a movement, the mainstream of their subculture fell into idleness, an attitude of surrender, ideological desertion, the lack of a fighting spirit, and the negation of recognition of the work of their

ancestors. Fortunately, this subcultural phenomenon has lost ideological strength, but tends to persist in diverse new forms with a much reduced following. Fortunately, also, many others have rejoined society.

²We should mention, however, that the feeling of self-realization is a mental one, that educating the children is self-realizing, and that housework must not be underestimated. The movement must not be led down the wrong path. Women have never been displaced in Western culture by the fact that their obligations to society have not been the same as those of men. Having equal rights does not mean being assigned the same responsibilities. I am not proposing a strict and fixed assignation of labors, but the natural differences between the sexes determine different roles even in animals, and so it has occurred naturally and spontaneously between men and women throughout the centuries. Here I speak in the context of the way that our culture has perceived how social functions or roles differ or should be assigned depending on sex, not to actual instances of discrimination against women. However, more on this at another time perhaps.

But nothing is worse than justifying routine and widespread abortion. Abortion is a reflection of other social ills, certainly, and these must be combatted as a first step, but neither can society condone it without justifiable reason and legalize it. As always, the proponents of new rights deny the fundamental ones, in this case, the right to life. But pro-choice advocates see in the defense of life a denial of freedom, and discrimination against women, when the matter is really one that concerns the whole of society. Granting a woman the right to kill a human being with the excuse that it is her body, is no different from extending that right to the products of her body: adults! Choice must be exercised before a life is engendered. If I mention this here, it is because it has an indirect bearing on the matter which concerns us: every widespread deviation from what is natural tends to weaken the faith and the will of the people. On the other hand, if it has the support of the state, it indicates a deterioration of the system of government.

³Pseudo-conviction is a psycho-social phenomenon in which the individual starts by putting on an act and then becomes the act, never showing his true face, and ending up believing in the role he represents. Affectation is a normal adolescent phenomenon, derived from the tendency to develop a distinct identity. In later stages of life, it is a sign of immaturity, where such a tendency is not directed to the proper channel: developing full psychological individuality and fully expressing individual talents. And attitudes are adopted for the sake of *being in* which generally need to be anti-establishment if they are to be attractive. It is possible that many rebel against parental authority; others just seem to be swept by the current. Pseudo-conviction is based on accepting another personality or ideology which substitutes that of the individual. The affected person is not faking, he has simply convinced himself.

The above constitutes the spiritual and the psychological ground in a culture dominated by fashion. Intellectuals, for example, usually pose as leftists; they convince themselves that capitalism has failed and become pseudo-humanized. Others pretend to be anti-traditionalists: some psychiatrists enjoy seeing how moral categories fall and are substituted by others, as if we were dealing with clothes or car models. What humanity has guarded as a treasure is not valued by those who should be most concerned about conserving it. These *in* psychiatrists, as one of my professors well put it, "go cruising between medicine and pornographic literature." They hope that

writing a daring book will lead them to fame overnight; they offer magic formulas for happiness, and contribute together with other factors to the disintegration of the family. The epistemological explanation of all the above is the substitution of the objective determinants of certain value-notions by subjective ones, that is, the fabrication of an anti-concept. Many sociologists see in this alterity or the work of *the Other* (an alter-ego of another person or group). Were that a simple form of exterior conditioning, I may agree with its metaphoric use, but there are often implied here reifications and notions such as that man is not himself but *Other*. Ontologically, man is identical with his own essence, and metaphysically any individual is an entity which is distinct from every other one. Thus, his psychological surrendering or alienation of his pristine nature will always work through his own existential moments and being. We must never forget that, for any man, the others are but referents for his own psycho-spiritual determinations and powers. In the last instance, sociology is reducible to psychology. Thus, it is here where the work must start, by promoting man's full individuality.

⁴One special assault I would like to refer to is somewhat paradoxical, since it generates from the same defenders of individual freedoms. We have referred to this in several places as the mercantilist or liberal conception of capitalist values. To my knowledge, this has never happened before. Although the selfish pursuit of profit, the lack of concern for others, and taking unfair advantage are to be found everywhere in history, only in the modern times we face an ideological justification for those negative dispositions, even identifying them as freedom. This thought seems to be expanding by the process of economic globalization, pervading even cultures up to now respectful of nomocratic traditions. Economic theory is suited for realizing practical values, but social and humanistic values cannot be reduced to the former. What the advocates of unrestricted market practices will attain is at least a further discredit of capitalism, with all its dire consequences.

CHAPTER II

THE ASSAULT ON FAITH

The ground of faith is not necessarily religious. All that is needed is an appreciation of man as the object of designs superior to mere biological ones. More than an unquestioned belief in revelation or postulates, faith is the feeling of certainty which arises when man attunes reality to his pristine spiritual nature and existential dispositions. But since this implies a degree of maturity—and contrary to fanaticism—universality is at the core of adult faith. And since the reality which faith attunes to is essentially cultural, faith will refer to inherited values, doctrines and praxes, making us trusting them as transcendently correct. Now then, if such things merely depended on our choosing, life would always be meaningful. No such luck: he who loses sight of fundamental truths will wander through life clinging to anti-values and anti-concepts. He who finds away from home the same values he cherishes at home, will not lose his faith. But he who denies and rejects his own, he will not find it no matter where and how intently he looks.

All of the above does not imply attributing to faith atomistically considered the power for identifying the exact nature of the facts of reality. For faith relates more to intuition and introspection, and because even an authentic feeling of faith can be immature. Although reason is neither infallible, it has a formal capacity for identifying epoch-related logical impossibles. Not so faith, whose difference with sheer subjectivity is often the razor's edge. Faith contrary to reason is actually naïveté, ignorance, or a defense mecha-

nism by spirits in state of confusion. In fact, without wisdom—more specifically than without reason—faith alone is the most dangerous of all virtues.

Against alienation

Too many today do not have the courage to defend their values as they should, or lack the knowledge to do it. The first are lacking in faith; the last think there are no rational arguments in their favor, and assume that only faith can support them. But it is those who lack faith who make the ideal prey. There really is an alienation, an identity crisis, which many Westerners suffer. And when they ask themselves what causes their existential discontent, those who want to be punished, the confused and the deserters, shout in unison, Capitalism! And this is the result of the ideological bombardment by the Marxist priests, the intellectual and journalistic left, and others, against the inherited values which man struggles to defend but cannot. The feelings of a full individual do not contradict his rational judgment—at least not to an unsurmountable point—as is the case in the alienated. As he is unable to make judgments which agree with natural law, he develops a dual and contradictory emotional attitude towards the world. In other words, there is a lack of primary praxis due to a lack of faith.

A person subjected to communism is educated by means of anti-concepts from infancy, so that he cannot identify himself with his true nature. This cannot last for too long, unless the play of ideas is abolished and all opposition suppressed. In the West, man has no one but himself to blame for his alienation. Why do the alienated cry out desperately against capitalism? The reason is simple: the capitalist system is the one in which they live. Conflict arises, then, with the inherited values. There is little rebellion against imposed values in the communist countries, because the government strangles the people until they are unable to question anything. When conflict (dissidence) arises, people do not have the means or the will to communicate their ideas, and are condemned to be mental pariahs within a forcibly alienated society.

No over-civilization—the term, like so many others of its kind, is relative—can be blamed for the problem of alienation

in the West; at least, it is not its fundamental cause. But sometimes, it is true, any little thing that meets his eyes alienates the individual. This must be overcome without denying progress. But those who are affected cry out that they are not free, that they are forced to consume what television commands that they consume, and who knows what other idiocies. Since when is jail mandatory for turning off the set, or for not buying what is therein advertised? The propaganda which perpetuates machismo in Latin America, or some ideological and religious propaganda in other parts of the world, is a thousand times more alienating. Customs are para-institutionalizations as good as the values they are based on. But the affected identifies his own ones with manifestations of alienation. And of course, there will be the usual complaints that the worker must sell his services, and similar others which grieve so many. There is no humiliation in that; salaried labor is not a synonym for servitude. In the communist countries there are not alternatives since the state is the buyer by law, and nobody is considered a seller precisely because he has been deprived of his rights. What is all the fussing about? Many come from foreign lands to sell their work in the US, and they are functioning well and happily, neither alienated nor insane. The difference is that they come with faith.

But for some writers like E. Fromm, man under capitalism lives the nightmare of an artificial world, and his sanity is threatened merely by having to choose between ten brands of mayonnaise in the supermarket. Sartre and Fromm believe there is no mental health without state mayonnaise. If the system offers so much to choose from, it is because it produces, and because it works. There is an unlimited number of alternatives and variations in life styles and ways of thinking in Western culture, enough so that man can choose among them for his benefit without surrendering his principles. It is unsound to assume that the depersonalization of Western man is due to his basic philosophy, unless by the latter we mean pragmatism. But no other civilization in history seems to have devalued its own achievements to such a serious degree, not in the East and not in the West. The struggle against this wrong is basically neither political nor economic, but above all spiritual, in character.

Now, the more man has to resort to his innate ability and inventiveness in order to survive, or the more he does so in order to raise his standard of living, the more he will understand the things of this world. If material progress is accompanied by spiritual development, man will tend to become realized as a full individual. That is why machines do not distance man from his nature: they are natural, since they are the product of his mind. Machine is an ample concept—basically a practico-praxical instrument—and it was invented not yesterday but thousands of years ago. The wheel is only a machine which serves the purpose of facilitating work for man. Everything that man creates along those lines is nothing but a machine. But some seem to believe the wheel should never have been invented because relatively, and in the context of the time, its use required more reasoning and judgment than carrying the water on foot or settling along the riverside. As Branden well notes, the more man is able to create concepts and think in abstract terms, the better he understands his surroundings. Then he can obey nature intelligently, not blindly like an animal.¹

According to Fromm, man will free himself of alienation, loneliness and other ills when private property of the means of production is abolished. I believe this is not worth commenting on any more. But it must be mentioned that the loss of personal identity Western man confronts depends on a lack of independent thought and of an integrated set of rational and genuine values, because it is such values which give meaning to life. A psychologically mature man, intelligent and courageous enough not to succumb to the ideological bombardment he is subjected to, may overcome the identity crisis. In other words, it is by obeying his nature that man controls it. But since not everyone is able to do so by himself, that is where education is influential, both in the family and at school. For that same reason, the breakup of the family nucleus predisposes man to alienation. In later life, the lack of projection of ideology and of leaders in the internal politics and in the institutions plays an important role.²

This must be corrected from the beginning, and the inherited values must be reasoned, rediscovered, and inculcated in freedom. This is one of the struggles genuine conservatives are

dedicated to. He who grows up appreciating and respecting these values will rarely suffer an identity crisis or a loss of self-esteem. When man matures and is able to use his reasoning ability to the maximum, he will question them and either accept or reject them. This is the duty of every individual: no man can attain his highest evolution and become a full individual unless he does that. Full personal identity is not achieved by accepting the judgment of others without question. That is certain to make the individual a robot, a conformist, a fanatic, a square, or a prejudiced or intolerant person. Intellectual independence and a true sense of identity cannot be derived merely from the phenomenon of belonging, but man must reach a certain age before he can understand that. While man is in the process of developing his ability to judge correctly, his faith—still immature in this case—and his attachment to traditional values support him. Alienation is a process which begins early in life, and all rational explanations offered in later attempts to help him may not suffice. When faith surrenders, the intellect always follows. And that is when the deserters emerge, desperately looking for something in which to believe, something worth fighting for, away from home. That is why Ronald Reagan said that it was wrong to take God out of the schools. But if the liberals' reply is that such defense aims at forcing behavior which attempts against freedom—for it is truly anti-libertarian to brainwash students with a single model to the point they become incapable of making choices on their own—a multicultural religious education seems the way to go.

We all know that youth rebel, and that the old have a hard time understanding the natural rebelliousness of the young; but the generation gap as a subcultural phenomenon is not a natural consequence of adolescence when it is expressed in an exaggerated and almost self-destructive manner, as was the case with the hippie subculture or with the student rebellion on the Berkeley campus. Modern philosophy in itself is not to blame for its bad products, like the fanatic devotees of alien religions—whom I only criticize for their lack of appreciation for the creed they have inherited—cannot be attributed to Hinduism or Zen Buddhism. The breakup of the family is not the product either of drugs or of pop psychology. The real ori-

gin of all these ills is the loss of faith. Many postulates of the Berkeley rebellion deserve consideration. The only thing which must be mentioned is the fund-raising to finance the enemies of the nation, but not even the ease with which this action was carried out was recognized as freedom. Similar behavior under Communism is considered treason, while in the West is excused for being the product of immaturity.

Perhaps hope lies in the supporters of the status quo, because they have not been affected, and because (even if unconsciously) they respect the inherited values. They are the ones who must be made to see the truth, so that they become combative for the sake of the nomocratic system. Many young people are already on the right path: they do not believe in anti-heroes nor in false humanists. Hope lies in those who constitute the silent majority, like the one who found its voice in rejecting communism in my country. The battle is an ideological one, and it must begin right now.

Mea culpa

The curious *mea culpa syndrome* is a product of the assault on the social and spiritual integrity of Western man. It is a socio-psychological syndrome, primarily affecting males, which makes those affected feel responsible (not so much in themselves as individuals but as a social or ideological group) of all that is wrong around them, and by extension, of all that is wrong with the world. The loss of faith provokes insecurity in man, and makes him doubt the validity of his cultural values. The result is a lowered estimation of his own worth and that of his group.³ If there is poverty in the world, he or his group is responsible. If communists hate him, he is to blame because of his faults and defects. Many end up losing even the will to defend their nation's sovereignty, wondering whether they are truly free. It is obvious that free countries do not enjoy absolute freedom. What we make here are relative judgments: the greater the respect for natural rights, and the more life is lived in accordance with human nature, the greater the freedom. No doubt slave peoples still exist. Correspondingly, other peoples must exist who enjoy a greater degree of freedom.

Nations are like people: sometimes they do not care, sometimes they exaggerate their self-worth, and sometimes they have no self-esteem. None of that is desirable, only maturity is. Maturity is generally identified with the responsibility and emotional stability which come with the years, but it is better manifested in the ability to evaluate self-worth without prejudice. A fundamental sign of maturity is the ability to channel, not oppose, our basic instincts. This is what capitalism, the system of political maturity, does. The man who is afflicted with the *mea culpa* syndrome does not understand that the worst defects attributed to him are actually natural tendencies at his stage of spiritual evolution, so a desire for progress and for making his own talents count, accumulation and the creation of luxuries are labeled greed, selfishness, waste and superfluous spending. By giving him examples of absolute praxis, his enemies render him unable to act orthopraxically. Some, instead of striving for justice, for example, look too far ahead for complete detachment. Thus, the dialectical conflict involved is not transcended by a genuine synthesis and is instead reinteriorized unresolved. The result is not then a rational solution, but an externally imposed behavior. The worse cause for remorse is, of course, being citizen of a great nation. Many great men have been proud to have been the sons of empire. He instead feels guilty, and calls to childish repentance. An empire is a responsibility, and just like individual leadership, carries duties and rights.

Withal, there is something at bottom. It is quite true, for example, that the United States has not acted as it should have with certain peoples, especially in Central America. In general terms, however, it has constituted an empire based on legitimate alliances, and it tends to correct the mistakes that it makes. The syndrome sufferers cannot allow themselves to be on the side of an alleged powerful oppressor, and tend to support every struggle against established authority which is said to be backed by North American imperialism. Even the Europeans, with their greater political sophistication, have fallen into the same trap. We must learn how to distinguish between maintenance of the public order and the present connotations of the term repression. It is clear that established authority is responsible for maintaining order, and that rebel

groups, on the contrary, promote disorder. Established authority must stop all acts of vandalism, and this places it at a disadvantage when the time comes to judge the actions of the conflicting parties. In the Western countries, every mistake or excess of authoritarian allied governments is promptly placed before the public eye, even exaggerated, provoking everything from criticism to boycotts and threats. The same acts committed by the enemy, however, are painted over and promptly forgotten. That is why there is no coordinated action to oppose communist expansion. In Central America, for instance, the attitude of some Western European countries in regard to regional US policy under Reagan was absolutely irresponsible, to say the least. Courageous attitudes, such as that of the wounded Marine, the attitude of much of the new generation, and that of present-day conservatives in the defense of capitalism, make us think a solution is possible.

In all this, the so-called *Vietnam syndrome* deserves special attention. It has been said that the Vietnam war was lost mainly because of corruption. I believe, however, that a lack of faith in the cause was a much weightier factor. The war coincided with the time of the hippies, and of little disposition to make sacrifices. It does not seem, either, that the US army was allowed the praxis needed to fight a hard guerrilla-type war, or that anti-communist allies were prepared for the struggle. This they were in El Salvador, and that should have been exploited as a decisive factor in winning the war by military means. The Vietnam syndrome is no more than another expression of the social malady suffered by the Western nations. Wars must not be fought for trivialities, but failing to fight a war for just cause is even worse. The US army was militarily fit to fight, but was not given all the moral and political support needed to win.

Related to the *mea culpa* syndrome, there also seems to be a willingness to justify certain terrorist actions carried out against US citizens, as in the case of the thirty-nine TWA hostages. While there were those who felt just indignation, others saw the Arab Shiite cause with sympathetic eyes, an attitude which in the last instance may be a matter of individual feelings. But between that and justifying action against innocent people, there is a great divide. Those who were sympathetic to the mentioned cause, revealed the respectable attitude of not

condemning the Palestinian peoples in general without first considering the measure in which Western policies in their region may have contributed to generate ill will from their part.⁴ A similar attitude was assumed by some victims of kidnapping in El Salvador, carried out by communist guerrillas. In both cases innocents are targeted. But the Arab Shiite actions are at least related to disputes of territories and to the defense of natural cultural values, while the communist ones spring out from an oppressive ideology. The praxis of the former is selective; the communist one targets the whole mankind. Thus, although there are injustices that may trigger many to join Communism, the movement as such cannot be regarded sympathetically, nor its doctrines placed in the same level to ours.

El Salvador experienced a situation similar to the one which ties the hands of free men, the case of the silent majority. It was silent because it was morally defeated. And that was because the communists are very cunning: they will point at real faults, such as corruption and injustice, but extend the blame to others who are not the real culprits, thus paralyzing their will. Denouncing a fault does not make the accuser perfect. Maturing (politically) means to correct rationally the errors of the past. The capture of Grenada was an act of defense, not imperialism. Was Grenada enslaved? Maturing is learning from defeat, such as in Vietnam, where the lesson must not be that we cannot win, but that we must conduct ourselves with greater spirit and will if called to fight again. If every one of our faults made us feel guilty for the rest of our lives, we could never rectify our path or hold our heads high. Few perfect beings have trod this earth; what is important is to choose well now. Thus, if one day a man finds himself on the side of the truth—or what he deems so by his best judgment—and fails to do the right thing only because he has been wrong before, that will be an even greater failure. Nobody wants to support an unjust cause, but just because troops were once sent to impose an imperialist will, that does not mean that troops sent today follow the same designs. Other men and other reasons write history today. The defense of regional interests on the part of the United States of America will be fully justified if it means to defend high principles. But only a man of faith can understand this.

Atheists and religious pariahs

In order to defeat capitalist democracies, it is necessary not only to weaken them in the purely military aspects and in those which properly constitute their ideological essence, but to attack the fundamentals of the Christian faith as well. This is partly achieved through the diffusion of the Marxist ideas themselves, but this may not be enough. It is necessary to infiltrate the Church so that it may itself divide the faithful. That is the mission of liberation theology. We shall go into this matter later.

Now then, although I oppose the practice of evangelizing the members of other religions, I think that Christians in general should remain Christians. In time, a universal religion should be supported because all faiths are approximations to the Mystery in dependence of what the human mind and heart are able to assimilate at a given historico-cultural moment. Therefore, he who finds the truth in another faith must also find it in his own. However, the adoption of another faith may reveal not an objective search for the truth, but a desperate seeking which often ends in embracing a new true God. Others grow richer in the knowledge of new religions. These do not abandon their faith but instead identify it with others, adopting other manifestations of worship because of a greater idiosyncratic communication with another culture while not denying their own. What is more, I am convinced that a good background in Oriental philosophy—always so attuned with religion—greatly facilitates an understanding of Christianity. It is a sign of weakness to take offense at the wisdom espoused in another religion, and rejecting such wisdom without even attempting to uncover the kernel of truth in it denotes a closed mind. Buddhism has demonstrated—at least within the sphere of motivations and goals—that the only thing man needs in order to reach holiness and perfection is to transcend to the higher dimensions of Being which dwell within ourselves. Besides, nothing could ever safeguard natural values as much as religious unification.

Now then, when it comes to the counterpart—from the Theosophical Society to Hindu and Buddhist sects—there are those who show an inclination not toward a communion of

faiths, or if only toward challenging certain outdated tenets of the Church, but sometimes even underestimating the stature of Christ.⁵ This type of assault on the faith is most dangerous, because it takes advantage of the ignorance of the masses in matters of philosophy, dazzling them with often simplistic concepts which any diligent student of Western philosophy could challenge, yet still manage to sound impressively wise when uttered. And unfortunately, even though there is generally a good intention, in practice the result is often the creation of a confused and contradictory state of heart and mind, that is, of *religious pariahs*.

We are interested here in the phenomenon of religious desertion because it tends to be accompanied by the desertion of Western values and traditions. Perhaps up to a certain measure this phenomenon is also a consequence of the culture of fashion. When Orientals embrace the Christian faith, they do not generally lose the natural ideological values. Yet that often happens when Christians embrace other faiths, because such cases often reflect a general loss of faith in their culture. This ill afflicts Western man to a greater extent, especially in the large democracies, and is to be feared the most: although libertarian values are not foreign to any enlightened person, they have been better conceptualized and are more highly valued in the West. Marxists, on their part, have attacked religion for its links with nomocratic systems of life instead. They know full well that religion is one of the main bulwarks supporting the faith of man in natural values and institutions. But they cannot fight openly and militantly against it lest they lose adherents or cause rebellions, so they have chosen to get at religion by means of the Church. The assault on religious faith is primary, because no matter what efforts are made to propagate ideological confusion, his faith will always give man the will to fight for the truth. And that is because faith has an objective (and rational) basis which is explicit to the intuition, even if not to the intellect.

I may have overstated my case in branding Marxism and orthodox Marxists the pure crystallization of evil: even though they project upon others their frustrations and psychological unbalances, they may be also sensitive to real injustices. Most likely, the majority of Marxists are simply

ignorant of good—of one of its spheres, that is. In the last instance, perhaps every human shortcoming may be reduced to an ignorance of good. And even though ignorance, being that man is expected to overcome it, does not constitute an excuse, failing to live up to good, when good is known, is even less excusable and no less dangerous to faith. The omission of this important task is one of the most worrisome developments today. The assault on the faith also presupposes an assault on moral values, which is carried out in subtle ways, as for example pretending to defend freedom by acting in behalf of certain groups, such as pro-abortion, in such a way that Western man lets go of his traditional values little by little and then questions his entire life design. This phenomenon, which of course can occur spontaneously to a lesser degree, prepares the ground by undermining the will to defend genuine libertarian ideals. Without faith in what one has inherited, no cause can take firm root.

A good portion of the assault on the faith derives from philosophies which, even though not pursuing any political goals, and despite of some correct points, their lack of completion constitute a danger since it may induce to assume an skeptical stance. B. Russell, for example, asserted that if God is omnipotent nothing can happen against His will, and if sin is the result of disobeying the commandments of God and everything happens according to His will, He must wish for sin to occur. Murder would turn out to be good, and God could not punish those He himself had caused to sin.⁶ If to this we add the proposed God's omniscience, the above becomes more useful against uncritical anthropomorphical notions of God. Our concern here is that the exposed thought may result not only in the rejection but in the deformation and capricious depiction of divine nature. From the presumed desire of God that sin exist, we are led to similar presumptions regarding poverty and injustice, and thus such ideas emerge as that God is unfair to the poor when He wills that there be differences between men, ideas which contribute to the loss of the faith and to the adoption of anti-natural systems of life.

The assaults described in this work are against a form of faith, whose loss apparently also derives from a distortion in the process of reinteriorizing a value. In the global sense, loss

of faith is a contra-cultural phenomenon. That is why atheism, for instance, is not necessarily related to the rejection of the natural system of life, except when it emerges in the said way. In any case, there are atheists which possess more faith and values than many who call themselves believers. The latter often deform what must be divine nature in such a way that all what remains is less faith than blindness and confusion. And as is usually the case, those who are supposed to defend it are most to blame for its loss.

The Catholic Church has become overrationalized, and little by little, mysticism, renunciation, and the appearance of true saints has come to be ever less frequent in its midst. Politicizing the clergy, which made the Church more mundane, was a decisive influence in this regard, and has brought as a consequence the dreadful absence of mystics, which weakens the faith of believers. And it is not that I oppose reason, because I believe that reason is sufficient to defend natural values effectively. But since sophistry abounds, the supraconscious intuition of values is important as an aid in the process of reconceptualizing those values.⁷ Only a fundamentalist church can make the faithful come back to it. True, the divisions of the Church may weaken or strengthen the faith, but what they do undoubtedly destroy is unity, which can be taken advantage of politically. A unity of historic importance which has been destroyed is that between the Jews and the Christians. Let us now look at some aspects of that break.

Of the Judeo-Christian schism

The split of the Christian Church into Catholicism and Protestantism has not been a major problem for the West in the context which concerns us here. The Judeo-Christian schism has, because there are those who believe that the religious differences imply a political conflict. This is not, strictly interpreted, an assault on the faith. But its best defenders may be defamed as a result of the internal struggle.

When Christianity caught fire in the West, the historical event of the crucifixion of Christ and what derived from it generated confrontations that to this day continue to divide two

religions which share a common origin and which most clearly should be one.⁸ The historical struggle, however, has diminished, and the differences do not seem to be mounting. That is not the case, however, when such things appear as the famous *Protocols of the Elders of Zion* (describing a purported Zionist conspiracy, and a conspiracy of Orthodox leaders and high financiers, against the rest of humanity), almost surely apocryphal writings put into circulation for who knows what purposes. Here we see how an indirect assault on the faith can take place. Assuming their authenticity and an external threat, some Christians tend to generalize and exhaust themselves in efforts worthy of a better cause, dismissing a clearly verifiable conspiracy against humanity being carried out by presumed Christians: liberation theology.

The conspirators, according to the mentioned writing, are said to seek world domination through communism, and that high financial circles seek to ruin landowners, autocrats, the nobility and the bourgeoisie in order to run the Third World into so much debt that it would give rise to revolutions which the conspirators would take advantage of. Marx never seems to have thought in those terms. Actually, his ideas must necessarily involve the assets of the conspirators. An important point mentioned in *The Protocols* is that the destruction of every non-Jewish state must be attempted, fomenting internal revolutions and class hatred behind the shield of a false humanism. How this favors the Jews, however, is difficult to imagine: they certainly did not benefit from the Bolshevik triumph and the defeat of Trotsky, or in Cuba, Nicaragua and Africa, where what really took hold was the imperial rule of the Soviet Union. As a matter of fact, the international communist movement is rather markedly anti-Jewish, just like Jews are generally anti-communist. That is why it is said that Zionists themselves are anti-Semitic, when other Jews oppose their plans. The matter then moves into a higher level of political gamesmanship, with the presumed intervention of a sort of world supergovernment and other supranational elements whose analysis does not belong here at the moment. All in all, the search for a government which establishes libertarian principles all around the world may even become a praxical need of the times. But the problem is that—irrespec-

tively of any explanation—the resulting attitude is likely to be generalized distrust. The matter is that a series of mutual accusations has been unleashed—together with abundant literature (of a non-representative nature, whose purposes are difficult to evaluate), most of it worthless—which indirectly hampers a joint ideological pro-libertarian fight.

All racist dreams of world domination are enormously risky, because a loyal army, which can only be a racist army, is absolutely necessary in order to retain power. If power is attained through intrigue, the intriguers will surely find that they were used, rather than that they used others. Some Jews, on their part, have accused Christians of overestimating the communist danger, especially when Nazism surfaced. It is true that the Church should not have kept silent in the face of the Holocaust; but the accusations reached the extreme of asserting that the Vatican had formed an alliance with Hitler.

In the previous editions of this work, my worry was that in the face of communist assaults on the West, and in regard of the the abovementioned accusations, the jews might be considered as hidden supporters of the said assault and seen as enemies, and that these in turn might not join the cause of those which should be their allies. As it is clear, the only ones to benefit from that situation were the communists. Today, such a danger seems to be a thing of the past. However, it must always be kept in mind as the said situation might arise again and catch us off guard. It is true that the majority of the Jewish people possesses an attitude of such great solidarity that a certain *socialist* tendency surfaces. I consider that a manifestation of a capitalist mentality of the left, with ancient cultural roots, since they clearly defend individual rights on the other hand. Communism also clashes with the principles of the Jewish faith—even attempting to suppress it, as Marx declares unambiguously in *On the Jewish Question*—in denying man the natural rights so clearly defended in the Old Testament.⁹

The schism may be further bridged if strengths are joined in the defense of the principle common to both religions, and if men thus join for the purpose of neutralizing the challenge posed by the enemy. The unification of Jews and Christians, and even more, of all religious men in the world and of all men of true faith, against communism, is imperative today.

Notes

¹Rand, A., *Capitalism: The Unknown Ideal*, Alienation, pp.282-283. New American Library, New York 1967. The thought of E. Fromm on these matters is quite well known, and it should not surprise that it has become popular among left-wing intellectuals. Although not in the same field as others, the work of Fromm exemplifies pop psychiatry. His ideas, which are meant to liberate Western society from alienation, according to him, actually contribute to cause it since they engulf pragmatism and mercantilism within capitalism.

²In the book, *La soledad del hombre* (Monte Avila Editores, C. A., Caracas 1970), there is a chapter written by Fromm, *Alienación y capitalismo*, which does not fail to say some truths: it is a fact that Western man often acquires objects in order to keep them or to show off, although not quite as generally as is implied. Capitalism, however, only guarantees the freedom to buy whatever one wishes, and advertising merely puts the consumer in touch with the products and explains to him their presumed advantages. The ills, such as buying for the sake of buying, must be corrected by extragovernmental institutions. But it places an excessive burden on man to think that he must familiarize himself fully with every object around him which he only uses in an automatic fashion. We could spend our entire lives, and more, merely acquiring the necessary information. Neither is the desire to acquire ever better products reproachable, for it stimulates creativity and creates a natural contentment.

It is incomprehensible how Fromm can say that there are no social laws in capitalism which are based on tradition and political power but merely a clash between particular interests in the market, when it is obvious that such a *clash* has been validated by previously accepted rules. It is precisely when individuals seek their own interests that their activity rules the market. But a truly capitalist market is never anarchic, and the social laws which rule it are those of the oldest political tradition in the world. That is why it should not surprise, as it does Fromm, that the system has bloomed and led to political freedom. If we want Western man to become more interested in the fundamental problems of human existence, let us educate him in the cultural heritage and in the arts. Let us inculcate in him a genuine sense of self-esteem. Psychiatrist that he was, Fromm should have known better than to postulate a sort of exchange neurosis in Western mores. Exchange is never an end in itself, but a means, in capitalist society. Constant buying, for no precise and logical ends, is a sign either of an underlying emotional imbalance or of a lack of profound human aspirations. And the shopaholic is merely manifesting such states, or is using a defense mechanism just like any other in order to combat the inner dissatisfaction which comes from a life spent in search of superficial pursuits. The cure lies in acquiring faith and spiritual values, and that must be achieved within the best socio-political-economic framework of life: the capitalist one.

³At least as a primordial factor, the familial model must influence the choice of a system of life as it must influence its historical origin; within limitations, we can extrapolate from the psychological to the social. In the normal family, familial justice regulates the recognition of both need and merit naturally. In some aspects, that model works within the framework of democratic right, where the formative units are primary subjects of good. Socialist planning may originate in the education in a dysfunctional family system

where its members are controlled by a variety of mechanisms damaging to the personality. Just like in socialism, these mechanisms prevent members from achieving their full individuality—with the result that, paraphrasing J. Bradshaw, their private *self* is totally under the control of their public self. This might be the alienation which socialists (especially the envious and the insecure) suffer: statism may occur as a result of despotic or ill-understood paternal authority; works of public welfare resemble hostility disguised as overprotection. The social outcome of this disorder is a system which relegates individuals as primary subjects of right, and puts an aberrant model forged since infancy in their place.

This phenomenon can also be partly attributed to distorted conceptualizations of good, and we must mention another important external alienating factor: drugs. The worst problem of drug addiction is that such substances greatly facilitate introspection, and that can be extremely dangerous for unprepared individuals at vulnerable psycho-social moments. The insight hippies and others believed that they had gained (on such matters as justice, for example) was simply a distorted appreciation of Western cultural values.

⁴As on many others, I am neutral on the Arab-Israeli conflict, because, at least for now, the cause of freedom is not in jeopardy there. Actions such as those we have been discussing, however, are not in any way justifiable. The fact that the US government is an ally of Israel does not excuse taking action against innocent passengers who had nothing to do with the matter. If the hostage-takers wanted to gain the release of the Shiites held by Israel, first it would have been worthwhile to assess what kind of prisoners they were. Then, depending on the case, the next step could have been resorting to diplomacy, or a prisoner exchange. This requires deep knowledge of the prevailing circumstances of the conflict, which is not our place to elucidate. Some expressed that the Arab Shiites were human beings, and that the Arab cause may be justified. The first is a due showing of respect for an ethnic-religious group, while the second is something that we will leave to history to elucidate. But if the actions against any country which supports Israel are to be deemed irregular acts of war, their target should be at most its regime and the armed forces obedient to it, not the civilian population, independently of whether the said support is legitimate or not.

⁵Let the presumed *astral voyage* to a meeting in the Himalayas suffice as an example: a ceremony takes place there which culminates in the apparition of a Buddha dwarfing even the mountains, with Jesus (as Lord Maitreya) performing only the preparation rituals for the big climax. I will not, however, stop even to consider of the nature of the event itself—a self-induced collective hallucination, or an astral fabrication in any case (serious claims of extracorporeal experiences must keep an objective correlate to the facts of the world), prompted by the mythology elaborated by H. P. Blavatsky and her followers, although some of her insights could prove worthy on the other hand—and will instead delve somewhat into more theological matters. Alan Watts, well known through *The Yoga Journal* and other widely circulated periodicals, is a convenient focus point. He accuses Christians of anthropomorphizing God in depicting Him as a bearded gentleman looking down from Heaven, or as an Architect of everything that exists, and scorns them for believing that He made man in His image and likeness, giving rise to the ceramic concept of Creation. Strangely, however, he forgets that, according to the Upanishads, the illusory manifestation of the world arose

from Brahman (Unmanifest Being), which fits broadly with the concept of Creation. More to the point, every conception of God is anthropomorphic, since everything man is capable of knowing carries his seal, only that here concepts tend to be more bound to his subjectivity, more anthropomorphic in that sense. This need not imply misrepresentation of the nature of reality, for in addition to what has been stated elsewhere, in the context which concerns us, the knowing beings and objects of knowledge would share in the highest essence, and since knowledge might be, ultimately, self-awareness.

If we can at all come to know God, we must admit, within the framework just cited, His similarity to us. Otherwise neither God nor His messengers would have ever made clear that when we act from love or justice, we act in accord with His nature and will. The a different degree, all Creation presents an isomorphism of sorts with the absolute. There is a contradiction of elemental logic in denying the resemblance of man to God, and in accepting (as Watts accepts) the pantheistic Oriental concept that *I am God*. Is Watts saying that man is God, but does not resemble Him? On the other hand, if the ceramic concept of Creation can be said to define Christianity, Hinduism is not far behind. Let us remember that in Hindu mythology, the universe arose from the mouth and the limbs of a sacrificial primeval man. In other version, the unmanifested original being is portrayed as a man. Afraid of his loneliness, this being splits his body in two, giving rise to a wife which assumes the form of a cow, which whom he copulates under the form of a bull (Brhadaranyaka Upanishad 4: 1-4). "And why beholdest thou the mote that is in thy brother's eye...?"

The most serious accusation Watts makes is when, based on the Judeo-Christian belief that nothing occurs if it is not the will of God, he states that since there is evil, God must have created it in order to punish man. This is a weak point of the theological dualism. But Watts defends Hindu beliefs by defining pantheism as the feeling that every role in the drama of life is played by the Supreme Lord. This, if we take the same biased stand, would lead to something *worse*: God is not only the creator of evil, but its incarnation, since He plays a role in every facet of life. Within an objective monistic perspective, this only implies that God expresses His inferior contents in the world and as-world. But as Watts conceives it, God seems to be the personal generator of evil. Watts sees the Judeo-Christian God as a vengeful one, punishing those who do not follow His commandments, and asserts that Buddhism does not contain similar precepts. Yet, when man does not follow the middle way, is he not condemned to an eternal cycle of reincarnation and death? Of course, in Buddhism there is no condemnation in the sense of an external punishment. But neither in the correct exegesis of Christ preaching, which is that bad deeds turn things against us, *even God*, only as a consequence of our contradiction of Truth, not because any formal non-compliance with an established set of rules. Christ merely uses' his native cultural elements to show the consequences of transgressing the laws of nature. But this subject must wait a future publication.

Watts also takes up such matters as the impossibility of liberation as long as man persists in believing the illusion of his body. This is like saying that the effect-illumination in short-is real, but that the cause-at least within certain parameters, the human body-is not, or that *atman* (our ultimate spiritual reality, God in ourselves) acts through an illusion to return to Brahman. If the world is necessary substrate for such a goal, it seems rather farfetched to postulate that the reality of spiritual evolution

will develop from the unreality of Manifestation. Believing that the human body is real has not stood in the way of sainthood for many great Christian mystics. Besides, let us remember that a radical (absolute idealist) illusory concept of *maya*, is shared only by a few Hindu philosophers today, and that Buddhism in its origins constituted a basically phenomenological doctrine. The concept of *maya* may be valid in portraying the relationship between phenomenon and *noumenon*, and man's attachment to his inferior nature, or in showing the transcendence of the separatedness of spatio-temporal realities in the absolute.

Rather than relying on institutional (Church) interpretations and tenets, extrapolating to a trans-cultural context the words of the great religious leaders is the best way of appreciating the perfection of such words, and tends to avoid falling into Chauvinism, which is precisely the most dangerous assault on faith. The belief that only our own religion possesses the ultimate truth, or that only our maximum spiritual leader is the highest incarnation of the divinity or the only son of God, is of such nature that it implies the inferiority of any religion or *Avatar* that may exist through the whole universe, and that even extraterrestrial beings of high spiritual evolution would need to be converted into our own faith. In His historico-cultural framework, Christ had to preach that He was the only way to the Father. Otherwise His words would have sounded empty and even detrimental for the faith of unprepared audiences.

⁶Russell, B., *The Basic Writings of Bertrand Russell*, An outline to intellectual rubbish, p.79. Simon and Schuster, New York 1961. In the previous editions of this book, I did not clarify that the superficiality that I attributed to his critic was not fundamentally in regard to their content, but to the fact that he did not explore his thesis also taking a theological monism as a reference. Curiously, somewhat similar has been cited by some Communist philosophers with other intentions, as G. Lukacs does in *El asalto a la razón*. Both criticize the idea of a God subject, like men, to passions, when it is clear that ascribing wishes, complacency, anger and other emotions to God is simply a way of conveying a theo-cosmological parallelism. Such criticism makes sense only against a dualist theology, not when God is viewed from the monistic perspective, which should have been considered here. In such a case, the mentioned parallelism expresses the essential unity of two of the existential planes of Being, and helps us to open the door for identifying pantheism as conveying the objectivist notion of God. Being cannot be fragmented, but since its multiple expressions are transcended in the absolute, we can refer to this as God. The absolute itself remains as a motor force but without any spatio-temporal configuration, and man can only begin to grasp its expressions with the aid of an expanded consciousness, or through incarnations of the kind *Supreme Personality* or *Logos*. Thus, God desires nothing, not as a person separated from Being. Nothing moves Him, pleases or angers Him, because everything is transcended in the eternal presence of Being. Divine wishes, ire and satisfaction reflect the accord or discord of human behavior with *trans-absolute truth*, a definitive existential state we can only grasp in anthropomorphic terms. This state stands for the revealed and necessary—though impossible to represent—final transcendence of Being, which implies the redressing of evil into a univocally good Essence.

Within the monistic theological context of the creator-creation relationship (which seems to me the most adequate for, among other reasons, thus we avoid making God smaller than Being) the nature of the absolute includes the occurrence of evil—even though historically man is the one to introduce (moral) evil, the latter is present forever in an all-encompassing

nunc—which acquires meaning only vis a vis human existence, and is an indispensable requisite for evolution. For sure, evil's dynamics by itself never leads to good. But evil is always an occasion for good to take place, and a necessary condition for its intelligibility. Thus, in the divine plan, or the cosmological manifestation of Being, evil exists only as an inferior manifestation of nature, which simply has to run its course. That means it is not desired by God. What is *desired*—in the sense that it constitutes the inevitable evolutionary way to return to Him (the absolute nature)—is that evil be superseded by free will, for which the plan culminates in the appearance of a superior nature (self-consciousness) capable, in encompassing it, of transcending the inferior one. Thus, in the ultimate sense (within the ontological category of fulfillment), punishment and evil do not exist, even as error or aberration, everything being perfection and blessing.

Russell departs from the existence of an omnipotent God in order to discuss it, which is acceptable. But should have considered that God, as an absolute Being, excludes the existence desires because within an absolute condition everything takes place at once and forever. Thus, Christ references to God as a loving Father must be taken in the context of the epoch and the culture, but also in that of praxis, that is, as a pastoral need to reform the previous idea of a dreadful Creator. Obviously, the principal concern of Christ was the salvation of mankind, not to set metaphysical criteria on the Father's nature. On the other hand, it is clear that Christ must have participated of the dualist concept of reality due to the limitations of the times and the culture. In any case, probably the closest insight we can get of God's nature relates to the absolutization of consciousness. Thus, it would be man's participation in absolute nature which would judge his worldly actions in terms of attaining spiritual evolution according to their transcendence. Such must be the theological essence in this matter, open to polemic for various reasons which do not merit analysis here. Of course, the subject is worthy of discussion on another level, accepting or denying the existence of God, but the problem is irrelevant for our present concerns.

⁷It is difficult to outline supraconscious intuition because very few people are able to attain the states in which it is manifested. We could, however, see it as an immediate knowledge of essence that—based on certain personal experiences and diverse references—I will briefly describe as constituting an expanded field of direct perception and intuitional sensitivity in which opposites are transcended and, at least in a certain dimension of reality, the distinction between subject and object is lost, that is, a state approaching unity with the whole.

Intuition and reason are two complementary forms and sequential steps of knowledge. As Kant said, concepts without intuitions are empty, and intuitions without concepts are blind. We must then investigate why there are such notably different ways of looking at things, especially in our field of interest. One possible explanation lies in accepting a diversity of ways of feeling or being impressed by our own psychological processes. Another option is to assume a distortion—we will not deal here with the possibility of distinct praxical requirements related to different degrees of spiritual evolution or diverse natural dispositions—in the cognitive process which resides neither in intuition nor in reason themselves. I favor the second alternative because the first one makes it impossible to make judgments in terms of true and false as well as good and evil, thus being inconsistent with the objectivist tenets, with the fundamental principles of psychology and

with moral, philosophical and religious precepts, which ascribe man a basic identity and the existence of truth. According to the second explanation, there is probably an error in the formation of the concept due to a distortion in the most primitive elaboration on the *given*: on our subject, the immediate value and moral data of consciousness. The origin and nature of such distortion is obscure, and therefore fertile soil for theorization. The gist of the matter is that this distortion is susceptible of correction by reaching spiritual heights, which is precisely where the highest intuitive states occur, and these would constitute new and solid bases for reconceptualization.

Still, mystics differ on these as well as on other matters, even though they are presumably capable of eliminating intellectual content to the point where knowledge achieves its original purity, and of grasping the thing in itself when they are left strictly with the given. That does not seem to be sufficient, then, to develop a finished concept, much less a doctrine, nor is it capable by itself of surmounting the factor which leads to the distortion of the idea. One difficulty we run across all the time—and a matter of concern for everyone who defends the cause of freedom—is the doctrine of non-judgment, to which several lay and religious Western philosophers have surrendered. It argues that in judging we introduce our egos and our own particular programming, thus distorting reality; that we must blame, not the sinner, but the sin; and that there are only circumstances to be understood, which cannot be judged as either true or false. The last is particularly said of ideological differences and of justice. The necessary corollary of such a doctrine—in the context which concerns us, that is, anything that involves action as a determinant or modifier of events of rather worldly character—is non-action, which, unless it occurs precisely as the absolute praxis of action, would impede the fulfillment of many worthy goals. Christ commands us to withhold judgment in order to exalt the virtue of humility. He never proclaims that the truth cannot be known or that it is equally shared. Christ, and the saints of Christendom, have severely judged man and his motivations. And men have never been considered equal in the Hindu religion which implies no more and no less than a judgment.

Some will say that only the common man is precluded from judging. But it would seem that what is ultimately demanded from man is discernment. As I see it, the crux of the matter lies in that sin can be judged in its abstract sense but it exists only in specific entities: the sinners—unless we accept a sort of Platonic forms. Thus, the problem with judging does not reside in the act itself, but in that we fail to temper judgment with charity, anathematizing the defects of the others, but not our own, when it is not up to man to pronounce the last judgment. Yet we are asked to accept unquestioningly that their doctrine of non-judgment is not a product of their own programming. In fact, there are acceptable ways of programming the ego, especially the subconscious. Attributing everything that ails man to the separation of the I from the non-I is exaggerated, since all we have to negate are the inferior expressions of Being, and since the negation of individuality is, ultimately, a fact of rather metaphysical than of moral or dispositional character. It is actually by affirming our individuality that we are capable of such expressions as I love, I obey, I forgive... The origin of such a doctrine could lie in a misinterpretation of the spatio-temporal realities, based on an intuitive experience of unity in which every moment or part can be extrapolated to the whole—having, so to say, the same validity. In the world qua world, that would make truth lose all of its meaning. To preach non-action is to

preach surrender to inertia and the forces of evil. The triumph of good must be the product of an act through a judgment and a decision. That is what happened in Kuruksetra, that is what happens every time man historicizes spirituality, and that is what happens every time man comes close to God. Non-action is acceptable only at a utopian social level as the absolute praxis of action—or, sometimes, in the sense of letting nature to express itself *homeopathically*, letting oneself just being—but endorsing it for every state of spiritual evolution constitutes a clear breakdown of orthopraxis. If God has preached one truth, it is because that truth can be known, not as circumstance but as something with its own content which excludes the false. We can accept evil as an error, but if we accept the existence of error we are duty bound to act in order to correct it and make truth prevail. He who says that God has not preached that creates a terrible obstacle for the realization of His plan on Earth, and undermines the faith in natural values and the will to defend them.

⁸Even though Christ was a most exalted being, His personality did not satisfy the longings of the Jewish people, leading to their rejection of Him as the Messiah. Because two thousand years ago they were subjected to the rule of Rome, and they dreamed of a warrior, or at least Davidic Messiah who would come to liberate them. But as it turned out, the presumed Messiah offered a different kind of liberation, based on renunciation and love; and while there undoubtedly were ascetic mystics among the Jews, their moral code based on the Ten Commandments does not ascribe special importance to this aspect of life. Christ demanded strict obedience to transcendent laws, and the Jews (the common people) were intent on regaining their rights as men—for the sake of simplicity, let us disregard their unified concept of body (or ego) and soul.

Although Christ was not explicit on the matter, His life and preaching bear a predominant feeling of universality and mega-fraternity—crystallized later in Paul's praxis—that may have appeared to some to clash with their concept of a covenant with God as the chosen people. But at that point His choice would have been better understood in terms of the privilege thereby granted of the Messiah being born in their midst. The Jewish orthodoxy also opposed Christ on doctrinal matters. Among other things, they did not approve of His working on the Sabbath, and that He called Himself the Son of God—the *Son of Man* to be precise. The Pharisees, strict doctrinaires and unaware of the subtleties of religious praxis, were His most bitter critics because Christ put Himself above the Law, although the difficulty this represented could have been overcome if they had understood that the time had come to expand on Revelation. We must also take into account that their rejection was influenced by the fact that Christ was gaining so many followers; according (if I remember correctly) to Luke, and to John (when he quotes Caiphas), the Jews feared indiscriminate retaliation by the Romans. If we look at the matter in context, we shall see that there is no room for hard feelings, and the whole thing was a sorry episode more to be blamed on the times and the circumstances.

⁹Marx, K., *The Portable Karl Marx*, "On the Jewish Question." Penguin Books, New York 1983. In this work, Marx states his opposition not only to Judaism as a religion, but to any attempt by the Jews to enforce their rights. He directly deem them selfish, and calls on them to work for the emancipation of all of humanity (p.96). We already know what Marx meant by that.

CHAPTER III

THE IDEOLOGICAL ASSAULT

The basis of the ideological assault is to make Western man mistrust his cultural and political values by presenting them as insensitive to social needs, so that he may come to question and reject the validity of his principles and his fundamental institutions, and accept the inevitability of socialism. To this end, every fallacy set forth since more than a century ago, incorporated into new contexts, is resorted to. The ideological assault takes on a myriad of forms: from the writings of left-wing intellectuals to gross or veiled calumny and false promises, but its fundamental weapon is the anti-concept. Let us now examine the aspects involving practical social dynamics; the properly ideological ones may be deduced from part one of this work.

The ideological assault is primarily meant to create an anti-concept of property so it is seen as not a guarantee of freedom but as a cause of exploitation. It is not clear what communists like Mao Tse Tung want when they say that "the new man possesses no objects, but he is his own master." If this is so, why do they strive to seize the objects which belong to others? Imposing collective asceticism is no different from imposing the poverty they say they oppose. Mao Tse Tung confused what belongs to God with what belongs to men. His new man, then, is obligatorily poor. This is not what Third World countries, or the poor, want. It is another thing to sacrifice today for the sake of future gain. The philosophy contained in their statement seems to attempt to justify failure instead. Under communism, it is said, everyone will live on what they produce

and not on what they possess. Actually, everyone lives on what they possess and/or produce, if we consider work as a possession and if we accept that capital produces.

Analyzing the subject of revolutions, Engels asserted that in them one type of property was substituted for another, and that this could only be done by boldly transgressing (the right to) property.¹ False from any point of view! Enforcing justice—let us assume we are dealing with a just revolution—may hurt the interests of the usurper, but it gives no one what he does not deserve. Capitalism is depicted as unable to solve the challenges of the times. And it is not strange that those who most fall into the entire communist fallacy are the ones who most analyze it, the intellectuals. There is a greater willingness to grant communists a thousand years to let them experiment and prove that they are right, while capitalism is expected to solve the problems of the world overnight. When the people reject Marxist doctrines, all that communists can say is that the people are ignorant, still immature, or disinformed; but when the social malcontents support them, they say that the people are wise. Marxist philosophy has triumphed in many places not because it is sound, but because it found a world full of envy, injustice and hate. The rise of Marxism seems to have reached an end, at least in what willing acceptance it may hope to find. It grew because it was unknown, and it may only gain more followers where it continues to be so. But it will never be able to catch fire among lovers of freedom. And when these realize the truth, it will stop.

The North American system of life (a long-time paradigm of capitalism) has managed not only to support its own but to help outsiders as well. It is true that whatever goes up must come down, and the North American Empire will not be the exception. But this will happen only in regard to its political influence; its ideology will never cease to expand.

Who is in crisis?*

We need only to read the title of the book by Michael Harrington, *The Twilight of Capitalism*,² to know what it is

**Editorial note:* The author thought it best for the structure and message of the book not to update some parts of the following sections.

about. The idea is therein expounded that any discord or economic difficulty in the affairs of free peoples indicates that capitalism is in crisis. To Harrington, the problem generated by OPEC, no matter that it has been overcome, of course revealed such a crisis. Before that, the communists took the Depression of the thirties to be the final crisis of capitalism, only to see it emerge stronger than ever. Humanity, then, is and has always been in crisis, and has certainly been worse off than under modern capitalism.

Trotsky predicted during the Third Congress of the Communist International that in two or three decades many millions of European workers would be unemployed and die of starvation if the bourgeoisie remained in power. Harrington believes that the prediction is correct: even though more time has elapsed, what Trotsky predicted will eventually come to pass. It is the communist system which has not been able to create abundant wealth. Could it be that it is the one that is in crisis? The ups and downs of the economy are more evident in a rich land than in one which barely sustains a tolerable standard of living. But what above all indicates a crisis is the need for struggle. It is those who must resort to violence in order not to be bested in a skills tug-of-war who evidence a crisis. And everyone expects the communists to change their attitude, as when Stalin died. But that does not occur because it is actually the communists who are experiencing a profound structural and ideological crisis since they have had to confront, to the great discomfort of many communist idealists, the harsh realities posed by the necessity of resorting to state terrorism in order to stay in power. The people they had hoped to convince have turned their backs to them.

Many cannot admit their mistake because it would be tantamount to recognizing that their lives have been wasted. Others are surprised and incredulous at the vigorous survival of the West, and at the existence of a state where there is respect for dissent, human rights and freedoms. Explanations and excuses are then invented. And since, despite everything, the most shameful corruption and dictatorships *of the right* persist in the Third World, new communist blood, sometimes idealistic, often full of deep hate and resentment, comes to give new life and feeling to the frustration of the rest, which

increases every time someone matures politically and abandons their ranks. And in the face of the harsh realities, the struggle must be intensified. The will to dominate has already substituted even ideology, and there is no option but for the enemy to be conquered: merely by living in and daily enjoying freedom we commit the unpardonable sin of constituting clear demonstration of the socialist failure.

The Twentieth Congress of the Communist Party defended the thesis that every country should be free to find its own path to socialist development. There was talk of peaceful coexistence and so on, and Stalinist principles were rejected. The West was overjoyed: everything seemed to go smoothly, and there was an absence of such threats as *We will bury you*. Although communists continued to favor the rise to power of Third World revolutionary movements, there was hope of a compromise. Khrushchev thus established the promising concept of the non-inevitability of wars. But what was behind this? Why such a change of attitude? The reason was that, for the first time in the history of the Soviet Union, there was a glimmer of a shining economic future in its horizon. If the predictions turned out to be true, there was no reason to reject peaceful coexistence with the United States of America. Khrushchev was convinced an era of great production and bonanza was near. "Our ideas will conquer the minds of men," he proclaimed. It did not take long, however, for the dreams of greatness to dissipate. The Soviet Union did not leave the United States behind, and the Chinese Communist Party advocated total victory for the proletarians, accusing Moscow of going back to capitalism. When Russian communists thought the virtues of their system would shine on their own, there was talk of peaceful coexistence. When the illusions of grandeur disappeared, they went back to the hard line: crisis! The United States has even been much too patient in the face of the aggression to its allies. The Soviet Union would have already intervened in Cuba and in Nicaragua for lesser provocations. Who, then, is in crisis?

In a democracy, everyone says what he wants, publishes what he wants, and reads all the communist propaganda. In communist countries, even the children already sing mottoes and slogans. The former Soviet Union, contrary to the univer-

sities of the free world, used to choose its scholarship holders carefully, and Patrice Lumumba University graduates always returned to their countries of origin to fulfill well-planned missions. Capitalism is not invulnerable to crisis, however. But if it occurs, it will be as a result of the loss of faith in its own values. And the Communist Party is allowed in the West, while organized opposition is forbidden in communist countries. Who is afraid of rejection and a return to the natural system of life? Who is in crisis?

The left-wing academic establishment

The most important element of ideological assault today comes from the inside, not the outside. The universities of the Northeast of the United States of America lead the way in forming left-wing intellectuals and in granting scholarships to the enemies. Petulant left-wing intellectuals pose as humanitarians with social sensibilities, but he who seeks respect for each and every individual shows greater social awareness. I do not withdraw what respect I owe those who idiosyncratically channel their idealism primarily against laissezfaireism. I know that the routine exercise of pseudo-capitalist praxes can pass for capitalism, and that it is hard to be brave in the face of a suffocating propaganda. One wonders, however, whether a conscious effort is being made in certain universities to prepare our youth in the struggle against genuine nomocratic values. I would rather not believe that, but it is obvious that the way is made clear for future left-wing intellectuals, since their ideas are given credibility because of their partisanship rather than because of their rationality. The poor demand justice; leftist intellectuals call for the nationalization of the means of production. The demands of the former are at a humanistic level; the demands of the latter seem anti-historical and anti-libertarian technical semantics.

Up to a certain point, an ideology may possess a belief system similar to that of a religious faith; but in contrast with the latter and with culture, it is more a product of the intellect rather than a heartfelt experience, and it can be untrue. An ideology, however, is not necessarily a false conscience, as Marx might say, but a political vision of the cultural well-

spring (as well as part of it), although there are non-political systems of ideas that we can consider as ideologies. Marxism itself is in fact an ideology in the former sense. It is not that politics, ideology and the economic system are more important than basic human rights; it is that the former are based on the latter. Patently, most people are shaped by ideologies which fit their ego schemes. But those who deem all ideologies biased deny that truth has a socio-political sphere which can be objectively systematized by man. Neither must an ideology be interpreted as a utilitarian defense of selfish interests: the capitalist and democratic ideology, for instance, is deep in the hearts of millions belonging to the most humble social classes. This refutes the argument of those who believe that all ideological knowledge is partial, prejudiced by the social class of the knower, with the possible exception of *the intelligentsia*, where differences might be considered on another level.

Marxists still maintain that it is the economic system or the system of production which originates the system of ideas. They still believe that man does not determine the conditions of social production and organization but instead becomes determined by them. Man, they say, becomes dominated by the social ideas and institutions he has himself created. They are partly right, but the essence of non-alienation consists precisely in achieving our full individuality. It was the case until not too long ago that rigid structures hardly allowed the average man to develop a real individuality, as opposed to the high-minded philosopher who is the only one to soar above alienating influences. Now then, an intelligentsia supposedly above any ideology and possessing its own belief system, would merely have created its own ideology. Here, then, we must agree with Napoleon when he states that ideology is the work par excellence of the intellectuals; certainly they can give rise to revolutions. Sometimes the defense of an ideology sounds militaristic because, when attuned to our spirit, it connotes faith in fundamentalist cultural and healthy nationalistic values. The mere fact of having a well-founded ideology may go a long way towards liberating us from the social ills we are prone to. It is the defense of what we believe to be just and true which promotes a spirit of sacrifice and gives us the courage to face adversity. But unfortunately the past century—the age of

ideology—gave rise to products which replaced, rather than reinforced, cultural values.

For the sake of better understanding, let us clear up some points about the use of the terms right and left. In the sense referred to in chapter nine of part one, these words acquire only an economic connotation, not greatly reflecting any particular political thought. With respect to the latter, I believe in discarding such terms and referring directly to specific ideologies, even though as a matter of everyday usage we might understand free enterprise for right and *populism* for left. By right-wing many mean such things as militarism, capitalism, fascism and minorities, and by left-wing such things as communism, socialism and majorities. But these terms shed little light and much confusion on the essence of what they would describe. Doctrinally, for example, the communist system belongs on the left, but in practice it turns out to be on the far right. In terms of government, fascism belongs on the far right, but in theory its economic policy is fundamentally socialist and therefore left-wing. Democracy could be considered as a left-wing system by virtue of its method of electing governments. At the same time, the right-wing classification may apply to its market economy. Another disadvantage of the words we are discussing is that they have come to be related to concepts of justice: there is a tendency to equate left with just and right with unjust. As we have seen, neither a politics of the left nor a politics of the right determine by themselves the existence or absence of a valid state of right. Genuine ideologies of the right and the left would be identified by a definite sectorial location of the social dialectical pole.

Left-wing intellectuals generally present themselves as socialists, Third-Worlders, philo-communists or anti-capitalists in their economic thinking, but never as supporters of despotic government. This is a difficult dilemma, because imposing economic measures opposed to natural law is in itself despotic. Some university presses also assume a somewhat similar stand, most probably influenced by the current anti-concepts on capitalism and democracy. That seems to be the case in the editorial polemic between H. Marcuse and K. Popper,³ a neo-Marxist or radical socialist the first, the second an ex-Marxist and ex-socialist, now a supporter of *open soci-*

eties (basically those in which the discussion of ideas has an effect on political life). Marcuse supports a revolution to destroy the capitalist system, while Popper favors peaceful reforms and the democratic discussion of ideas. The scenario is not as well balanced as it might seem: although Popper supports individual freedoms, some of his notions lead to a tilting of the scales on the side of the anti-natural cause. Thus it is taken for granted that the only reasonable alternatives in the present historical situation are the violent overthrow of the system or its (left-wing oriented) modification. Besides, interviewers and commentators such as F. L. Bender, who writes the introductory essay on the debate, show a preference for Marcuse or for socialist ideas. Marcuse is better confuted not from a neo-liberal democratic position but from a fundamentalist one, which only from a low level of conceptualization and praxis could be described as closed. A society open to changing what is libertarian is most susceptible of becoming anti-libertarian.

At this point, our insights into the nature and praxis of right should allow us to identify capitalism as a rational necessity of society. Further validation of this thesis through a critical analysis of the ontology of morals is out of place here, since we have departed from an established philosophical basis, namely naturalism-objectivism. Nevertheless, we have already been able to glimpse a whole new sphere of the latter. On their part, neo-Marxists, anxious to avoid being labeled crass Marxists like those of the Second International, have resorted to an elaborate language attempting to prove the contrary on the basis of dialectical materialism. No more needs to be said here than any scheme built upon inexistent categories in reality—the contradiction boss-worker, the negation of social production by individual undertakings, and so on—lacks in logical ground. The intelligibility of social phenomena cannot be attained through formal schemes which are severed from the facts. Thus, I will discuss next just some of their postulations which deserve our immediate concern, and I will refute their whole ontological ground in my next book. If we were to accept the universal as the subject of history, and individuals as an instrument, as Marcuse asserts based on Hegel,⁴ universal in this case means the essential and constant emer-

gent elements—values and such—which motivate and shape change, never community or society. In the last analysis, the subject of history is human nature, and community or society a mere agent of change of the higher historical processes and of manifestation of the universal, never the sole object of right as he pretends. Even less can the higher historical processes be linked to a social class. In matters of right, what always turns out to have universal validity for reason is precisely the affirmation of the two dialectical poles under consideration. The case of analytical Marxism stands on even shakier ground: while at least tending to reject basic Marxist precepts, it falls into the trivialities of linguistic philosophy.

Some postulations barely disguise a calumny—we will soon discuss this type of maneuver in more detail. As an example, Marcuse attributes the fact that masters and bosses do not appear to dominate the masses in the capitalist societies of today to the technological organization of production, which allows the former to seem like bureaucrats in a corporation and to lose their identity as exploiters. Domination is transfigured into administration⁵ is how he postulates a new form of control. But why—although in practice the multiplication of owners affects little the control nucleus of a corporation—is this exploitative by itself? The technological organization of production is simply a functional development of the time. For Marcuse, however, democracies are nothing but class dictatorships in disguise, and he attributes the maintenance of the status quo to the selfish interests of those who do not wish to give up their advantages in the system, or to a manipulation or regulation of consciences by means of an alienating mechanism which would be implemented through the abundance of commodities.⁶ Popper justly considers all this a fairy tale, because it must be obvious that the influence possessed by those who stand out is not the exclusive province of previously formed groups, and may be attained by any individual capable of joining the group of the outstanding. There are certain ways of altering the conscience of the masses, but not by means of an abundance of commodities, because nobody is thereby prevented from reflecting on the fundamental problems of existence, especially given the freedom of expression prevailing in the system. If communists are right, the abun-

dance of commodities which they promise for their utopia will also prove alienating.

The nomocratic system, the natural system of life aware of itself, has functioned with practically universal acceptance in periods of great scarcity because the biological negative determination brought about by scarcity tends to be transcended by the higher determinants of human action in the dialectical field. Left-wing intellectuals must invent some excuse to explain why *the exploited* reject their promises of liberation. Marcuse tries to explain that by denying the existence of real democracy (in the US) because left-wing parties do not have sufficient economic resources to finance an electoral campaign. It would almost be better to turn a deaf ear because everyone can clearly see the enormous financial resources displayed by the North American left in their propaganda at all levels. Let us merely ponder the great amount of publications, films, conferences and such, that were devoted to achieving the stabilization of the communist regime in Nicaragua. Besides, the best way of disseminating political ideas is through personal contact. The essential element of a victorious political campaign is the human resource, trustworthy and determined. This the communists lack, if only at present. For that same reason, Marcuse recognizes that the working class is not a revolutionary agent in the US today. So he has taken on the task of looking for a substitute, which he has found in the university students who constitute the new left, the ones whose role it is to promote a future *revolution out of disgust*.⁷ Such a revolution, according to the author, will disregard any possible general economic bonanza, and will be motivated by the absurdities, cynicism, injustices and who knows what other conditions revelatory of the contradictions of the system. But what disgust are we talking about? That of the social malcontents, the incompetent, and the self-deprecating? This will be the revolution out of envy. We are already seeing true revolutions out of disgust rising against communism.

Left-wing intellectuals accept as dogma that in capitalism the governing elite decrees the obligatory existence of a class which has nothing to offer but its force of labor for exchange in the market.⁸ But in a moral society, this results from underdevelopment, while in one where the individual is a means,

everyone is structurally bound to the state in such a way. In a nomocratic system, the existence of a working class is not a vivid demonstration of the contradictions of the system, but the objectification of natural right in the different status and achievement according to merit and contribution. Bender asserts that if everyone possessed commodities for exchange in addition to their force of labor, capitalist industrial production would cease because no one would feel forced to become a salaried worker. Naturally, but such a thing presupposes either macro-distribution or universal apportionment of the means of production. Neo-Marxists present the presumed exploitation of workers by employers not just as a consequence of the capitalist mode of production but as a demand by employers of every worker they would hire. As we have come to expect, however, the model they use is not fundamentalist capitalist or entrepreneurial systems, but rather right-wing-dictatorship *laissezfaireism*.

Measures tending to alleviate poverty can never be anti-capitalist and rejected by the system, as Marcuse asserts. But reforms intended to prevent profit or gain can never be accepted, as profit is a doctrinal necessity and a predictable consequence of the right to property. Capitalism can admit no other limitations to property and individual consumption than the expression in others of a merit-based right to things. The *socially determined use-values* which Bender believes must replace exchange values turn out to be despotic impositions which deny someone the opportunity for self-fulfillment. We have already seen why only nomocratic exchange values can truly be deemed to be freely determined. And what they reflect is not an anarchic market, since the exercise of effective socio-mercantile powers does not exclude the exercise of distributive justice.

Capitalism is the ideology of the free and rational man. A liberated man is not precisely a man without one. Quite the contrary: he becomes liberated who, free of prejudice, conceives an integrated political vision in tune with the fundamentalist values held by the cultural wellsprings. Such an ideology is not severed from nature nor from the salutary functions of myth and religion. An open mind properly questions the validity of the ethos, but does not reject it unless

exhaustive study shows it to be counterproductive. Others, locked in narrow corridors of knowledge, have even become incapable of realizing that there must be a truth, and would give equal value to all ideologies in syncretic fashion. It is characteristic of the inferior ego to be unsympathetic to the interests and motivations of others, but the truly evolved man who has overcome these trivialities tends to embrace a cause. While remaining understanding of the external causes of wrong motivations, he will always commit himself to fight for the conservation of natural values. Certain philosophical trends of the epoch, such as analytical linguistics, are also partly to blame: they leave man in a vacuum when they attempt to reduce philosophy to a simple language analysis.⁹ Who can accept such philosophy and still fight for freedom, believing that there is no content to freedom beyond that of mere convention?

In one of his works, especially directed against French leftwing intelligentsia, Aron explains why the communist (but not the North American) revolution transfers to intellectuals. Democracies, he warns, win elections but do not convince intellectuals.¹⁰ There seems to be a mixture of ill-understood humanism, confusion by lack of faith, an eagerness to be in the avant garde, and immature anti-parental rebellion. Or, as Nozick puts it, their inability to duplicate in life—where recognition of merit is left to each one—their success in school classes—where such recognition is centrally determined—makes of them supporters of statism, and social malcontents full of hatred against freedom. They have taken the first step toward submission, and are eager to attend *the end of pre-history*, no matter that it seems more than evident that the natural mandate of history calls for the evolution of full individuality, and we could say that despite the inevitable stumbles, the tendency has been getting stronger, at least on a conscious level in selected human groups. He who comes to understand capitalism will never doubt again. He will be a whole and truly just man, *egoistically* demanding for himself what he objectively deserves, proudly and without shame. He will not be influenced by such pop psychologists as Erich Fromm, who so pleases college students. His thoughts on love and theology in *The Art of Loving*, have led many to accept as

dogma that capitalism poisons love because its culture inculcates the concepts of worthy and unworthy. Capitalism refers to these concepts in terms of aspects of right, not of feelings. The rich are not assumed to deserve more love than the poor; humanistic values are separate from work. *Love thy neighbor as thyself*, in terms of human law, must mean equity,¹¹ even though naturally love and equity are not the same thing. No socio-political system can force men to love one another; obviously, communists do not all love one another. And from equity is born, if not love, at least respect and understanding among human beings, and their peaceful coexistence. The intellectuals in the Church, especially the Jesuits, have fallen into similar errors.

It is not a matter of choosing between two paths of equal value. In order to be attuned to history and to man, we must struggle to identify correctly with the current manifestation of the nomic axis. The intellectual is the one called par excellence to promote the establishment of a just society. And capitalism, denying none of the expressions natural par excellence to man, is the system which every intellectual should prefer. Those who follow the path laid out by Marcuse and some others will soon obtain irrefutable evidence that they have made a mistake when they suffer, as we Salvadorans have suffered, the harmful consequences of feeding the revolution of envy.

Calumnies

I must apologize for the manner in which I will have to conduct certain discussions, pointing out falsehoods. But it would seem that these communist ideologues write their books for the purpose of compiling one falsehood after another, in the hope—well founded, to be sure—that somebody will believe them. Often there is no possible doctrinal or conceptual response which can be brandished against a calumny. All that needs to be done is to show the naked truth so that the falsehood reveals itself. And it is a good thing to expose these calumnies, so that free people may realize what the communists think of them, and reject them on the basis of what they know of their own reality. Please note that here I will contrast

statements made before the Communist downfall with present-day historical facts. This is done in order to put together the ideological framework.

The most important communist ideologues are Karl Marx and Friedrich Engels. Lenin and Stalin were rulers and politicians with pretensions of philosophers. Neo-Marxist tenets are more feeble than those of their predecessors, and have a lesser impact on the masses and the new generations. And César Vallejo, Neftalí Ricardo Reyes* and other men of letters may scream as much as they want in defense of communism, but all they can be given credit for is the beauty of their expression, and sometimes their well-intentioned although mistaken idealism.

G. Lukacs and his *Asalto a la razón* refers to communism as the only conceivable way of life for any man with a brain in his head. He devotes hundreds of pages in that book almost entirely to attack religions and label many philosophers, including Nietzsche as was to be expected, as reactionary and bourgeois. Now, although Nietzsche certainly praises kings and great warriors, his ideas are directed not so much against socialism but towards the development of a superior man which socialism denies because it is opposed to full individuality. In the final section of his book, Lukacs reaches hurried conclusions. He depicts the United States of America as Nazi-fascists, for example, although to this day it retains nomocratic structures, unlike the socialist-based Soviet dictatorship, distinguishable from its Nazi-fascist homologue only in its biases. A simple comparison of their language is sufficient. The presumed communist perfection is nowhere to be seen. Massacres, despotically guided education, and the infamous walls constitute proof of its failures. That, others aver, was not meant to be: they are excesses which have nothing to do with the doctrine. But an anti-natural doctrine can only be implemented through an anti-natural praxis.

It stands to reason that the Western countries of the Third World are much more vulnerable to destabilization than were the countries behind the Iron Curtain, but not as a sign of the ideological supremacy of communism. Freedom of information, association and travel, which even the dictatorships of

*Editorial note: Pablo Neruda.

the right do not restrict too greatly, facilitate agitation for the communists. Censorship, repression, and the police state, on the other hand, hamper the diffusion of democratic ideas in countries subjected to Communism. We can only imagine how widespread the discontent must have been to have brought about such a debacle as overcame the empire. But communists say they do everything by reason. If Hungary is crushed, if Poland is overrun, it is by reason. Are they saying that the privilege of reasoning is theirs, and theirs alone because of an aprioristical determination of nature as communist? According to Lukacs, a fascist US plots with neo-Nazi groups both to oppress the people everywhere and to prepare for war against the Soviet Union.¹² But then we must question why not even at the most vulnerable times for the communist bloc the capitalist countries attempted nothing of the kind. Lukacs paints the Soviet Union as the government for peace and peaceful coexistence. What, then, was the meaning of the pronouncements threatening to destroy capitalism?

To Lukacs, the US press is dominated by a capitalist monopoly which only publishes what agrees with it; he probably never read the *New York Times*. Incredibly, he also asserts that communist countries enjoy freedom of the press, and that only the truth is told there. Like Marcuse, Lukacs would have us believe that there are no true opposition parties in the US because these cannot defray electoral expenses. And yet it is evident that it is the generalized political ignorance and conformism which holds many back from engaging in a partisan type of political opposition. I am fully in agreement with Lukacs on the following: there are many people in the capitalist world in a state of desperation; not the way he imagines it, though, but caused by a loss of values. There are, however, reasons to hope that this is changing. And he could not have been more right when he envisaged mass movements in defense of reason.¹³ What he did not foresee is that the phenomenon would take place precisely in the communist countries. Of course, Lukacs could not have failed to attack the new art in his book, the one he calls abstract and labels anti-human and anti-realist, although art has to change to new forms of expression. I do not want to say, however, that what disintegration passes for art today has any value whatsoever.

But to equate an abstract painting with an attack on the Soviet Union and socialism, and to think that it makes the painter an enemy of humanity, only signals a dangerous return to the dark ages. Lukacs rightly condemns gangsterism, but no matter how bad it may be, it cannot compare with the official gangsterism of the Soviet Union where every ruler belongs to a Mafia.

In the US, we can read Lukacs without fear. Was the ordinary man ever able to purchase *pro-imperialist* literature behind the Iron Curtain? Communists are the representatives par excellence of the defense mechanism of projection. This tendency is clearly manifested when they visit democratic countries: they expect to be under surveillance as they would be at home, and they see or think they see signs of wrongdoing everywhere, as in the famous description of Kansas City by a communist reporter. But that may be a bad example, because it clearly shows the purpose of disinformation. Withal, perhaps it would be wrong to judge severely those writers who live under Marxist regimes. Despite what Lukacs says in his book, he used to be an opponent of state control for artists, and differed in some aspects from Marxist-Leninist orthodoxy. We do not know what pressures such writers are subjected to: let us remember that Lukacs was arrested and deported from Hungary as a result of the uprising of 1956.

The case of Sartre is worse. As the citizen of a free country, and given his existentialist position, it is incomprehensible that he asserts that libertarian action is better achieved under communism. Under capitalism, *the fourth estate* is followed by a fifth, and a myriad more, each one able to fight for what it deems just, as long as its juridical sphere of action may be universalized without contradiction. I speak of illustrated, not of anarchic freedom, which is precisely a means of manipulation. No other conceptualizations will do unless they take into account these truths and needs of rational men. Following, I will discuss some ideas expressed by Sartre in his *Critique of Dialectical Reason*, stressing its historical fabrications, which regressively shape a false dialectics of society and then the reification of negation and man's determination by matter.

When I say that certain hypotheses should be verified—the thirdworldist conviction, for example, that there is an

attempt to exploit the colonies and keep them underdeveloped—I may be adopting a somewhat extremist position in the sense that objective proof of human intentions is no easy thing to obtain. Sartre, for example, tells us that there are times when “an organized power consciously and deliberately decides to subjugate certain groups for the benefit of others,” citing conquest as an example. But he goes on to say that is not common, and what occurs more frequently is that two groups engage in commerce with one another, and one ends up *proletarianized*, exploited or dispossessed while the other grows wealthy. To begin with, when one group prospers in trading with another, it is usually because the more prosperous group was able to use available resources with greater ability and improved planning in order to create wealth. When two groups engage in commerce, trading itself can be expected to benefit both equally by offering each party a comparable opportunity. But it is economically and historically inconsistent to assume that the subsequent benefits derived from the use of the traded objects will still be equally beneficial. What usually occurs is that there are groups endowed with greater ability, planning and motivation to use the acquired resources in order to create wealth, and that there are (*proletarianized*) groups which do not advance, or even regress in their development, because of their own faults, that is, by factors external to the trading itself. But for Sartre there has been exploitation, and this process occurs in violence, although not out of violence. By that he means a sort of pressure and unfair advantage institutionalized in the system. I do not deny that a powerful nation has several ways for taking advantage of weaker trading partners. But whenever methods for exploitation are implemented through the market, what we are really witnessing is an instance of pseudo-capitalist praxis. On the other hand, strictly speaking, every praxical measure of an anti-natural socio-political system, including socialist economic measures, constitutes a violent act.

Sartre also tackles the subject of class struggle, confusing the linking of right and meritoriousness with lack of compassion. In any case, compassion cannot serve as a legal parameter for distribution, since that would violate the second principle of nomocratic right. And what about the sixty million mas-

sacred Russian and Chinese peasants? Are they perhaps the communist measure of compassion? Due to scarcity, societies choose which population groups will suffer malnutrition, be enslaved or even eliminated, according to Sartre.¹⁴ It is a clear-cut case when there is racial discrimination and slavery, but here, although forced to include collectivist societies, he emphasizes that certain oligarchic groups are interested in keeping a certain social group deprived and hungry. In general, an oligarchic group may be interested in conserving prerogatives and may therefore provide few opportunities for others, but it can hardly be thought that it is specifically and perfidiously interested in their poverty and malnourishment. The difference is subtle but clear.

The accusations Sartre makes against the French ruling class of the period between the two world wars seem inconceivable. According to him, the bourgeoisie deliberately refused to expand the market, curtailed industrialization in order to prevent the formation of great reserve armies of proletarians, enforced the application of Malthusian principles and acted deliberately imposing scarcity, controlling births and failing to prevent deaths, in order to exterminate a large number of members of the working class as to save itself. It would hardly seem that scarcity would have been a good way of maintaining the stability of the system: the French proletariat would have always been numerous enough to mount violent opposition against such injustice. The calumny outlines itself here, but he goes on to say that the above was not enough, so the policy to divide and conquer was adopted, and concessions were made preferentially to some groups of the working class in order to stir up hatred and cause divisions between them, managing to create a distinction between employés and proletaires.¹⁵ Just like Lenin, Sartre considers the best-paid workers opportunists and allies of the bourgeoisie.

I would not wish to make the same mistake as left-wing North American academicians who profess to know how a people (El Salvador, to wit) feels and thinks without sharing its everyday life, but on this particular occasion it is quite clear that the progress attained by non-bourgeois population groups was due to the development of productive forces, which has

transformed huge masses in the great democracies into best-paid workers. Without taking other variables into account—such as education, to simplify—it is also known for a certainty that, for some reason, the number of children per couple diminishes the more a group advances economically.

Although with a certain socialist tint, a free economy has brought about a definite rise in the standard of living of the French people over the years. Sartre would be at a loss to explain why the policy of keeping the people in a state of deprivation was not continued. Popular wisdom is usually right on the mark: the thief thinks he is surrounded by thieves. Scarcity only allows self-limited forms of exploitation, and leads to more scarcity, which is contrary to the economic goals of any society for it lowers the demand and then production. And it is only with the advent of capitalism, and with technological and scientific development, that man finally has a realistic hope of overcoming it. Scarcity is attributable to primitivism more than to the great wealth of a few. "Make the rich richer, and you will make the poor less poor"—now there is a truly wise saying.

Sartre finds the principle of dialectical intelligibility for all of the above contentions in scarcity as the negation of man in man by matter, which would cause him to see everyone else as a threat, leading to an institutional selection of underconsumers and groups to be sacrificed. Now then, in the first rational structure—that which unleash the undifferentiated need-satisfying praxis in the pure interaction man-matter—we cannot discern scarcity as a self-sustaining polar entity but as a relation. Besides, the primary unleashing factor for praxis does not root in negativity, negation or nothingness, but in the affirmative determinations proper to life, basically the search for fulfillment. Scarcity may even disappear, and most life-supporting drives will remain unchanged, showing the essential linear display of the bio-material ensemble. At a second intelligible moment, we find indeed a dialectical structure arising when environmental conditions are interiorised and coupled with emergent-level contents such as duty and legitimacy. But here, the alleged negative determination (of non-humanity) brought by the interiorisation of scarcity is transcended by the positive determinations of the human spirit,

and returned in the form of social and ethical systems fostering cooperation and human fulfillment based on justice and good will. In fact, confrontation can occur in the midst of abundance because it is irrationality and a gap between the spiritual evolution and ideal values, not scarcity, what brings *otherness* into human relations.

To Sartre, the praxis of the system in capitalist countries compels the individual to buy what the nation produces. He speaks of rivalries between advertisers, among other things, and states that the individual cannot even make any original collection because he has been reared from infancy on an assembly line, so to speak, and he ends up being *the Other*. But it must be clear that if the system compelled the individual to make the above purchase, foreign competition would not precisely be one of the problems to be faced. Communist countries do compel the individual to buy what the nation produces, or at least what it chooses to import. On the other hand, we must not forget that, in every community and to a degree, people possess similar objects, and that this occurs in good measure by virtue of the lack of development of full individuality, individuality which is denied to masses everywhere. It is in the communist countries where the most basic and fundamental economic, political and philosophical ideas are channeled so as the only collectibles anyone can own are the works of Marx and Lenin. In both cases, whether by downright state orthopraxical design or by alienating ourselves from our essence, we can grasp a dialectical or a meta-dialectical situation, which is not intelligible, however, in such things as otherness. *The Other* is a highly questionable after-Hegel notion of modern sociology which has posited the existence of an alter ego of sorts that everyone would imprint in those he has relations with. I, for example, would also be I in you, him or them, and the action of others would also be mine insofar as I am Other in them, and vice-versa. But despite this is a corollary of causality and of becoming, any action subsequent to the constitution of ensembles or entities is better understood as of the emerging wholes. The display of water makes more sense from the water qua holistic ensemble than from the *Other-beings* of hydrogen and oxygen in water. In such a way, we may end up ascribing all behavior not to things but the universe or the

primeval atom acting in everything. This is worse in the case of man, for the determinations that other men and nature exert upon him are interiorised to shape an existential moment of the self, autonomous in essence vis-a-vis its external determinants and thus genuinely itself. There are such things as influence and alienation, but these belong more in the psycho-social than in the ontological realm.¹⁶ On a related matter, let us note that we cannot consume more than is produced. If the communist countries are not societies of super-consumption, it is because they produce neither variety nor quantity. Why should anyone advertise a car which is the only make and model on the market? One must contrive the calumny that forced consumption is the end result of an exploitative superproduction. But this implies that most people can afford what is produced. And if this is so, what is worse, to be compelled to consume or to be compelled to do without?

In speaking of collective praxis, Sartre asserts that in the capitalist system there is a praxis of the buyers which appropriates the freedom of the producer, since the object of free enterprise is for the producer not to consume what he produces but to sell it as a commodity instead. Thus, the objectification of the act of producing, which is consuming what has been produced, would find realization in the field of action of another. As a result, the freedom of the buyer would limit the freedom of the producer, especially when the exchange takes place between a bourgeois society and an underdeveloped one, or between the peasant and the one who buys his products.¹⁷ Actually, in capitalist countries he who so desires can consume what he produces, and he is neither more nor less free thereby than if he sells his product. The objectification of the act of producing is not just in consuming what one produces but also in the derivation of benefits, and if these are achieved by turning products into commodities, the ability to do so constitutes freedom. Since Sartre sees as libertarian the impossibility of receiving products from others, socialist economies should not hand out the things that have belonged to the collective. Every possession which is slated to benefit someone else must fall into the sphere of action of the other if it is to achieve its purpose. But surrendering our power over what we give to others widens rather than reduces our sphere of action, since it is by

our own free will that we relinquish control over something we do not want, and since as a result we obtain jurisdiction over something we do want and which is given to us in return.

Strictly, no contradiction can exist between the praxes of any system themselves—as between production and consumption mediated through the value-form of the economy—only between praxis and anti-praxis, that is, when man enters in the totality. Within a sheer bio-economic context, the above implies a mixing of categories. In fact, production and consumption are consecutive economic moments in linear logical display of means and end, not praxes of different values. If we do not add “through the value-form of the economy”, we ascribe those moments emergent-level contents that they do not possess by themselves. And when we do, we are just posing a dialectical situation of a socio-political nature, or related to another applicable emergent-level category, production and consumption remaining accidental.¹⁸ The rationality of the market is easy to grasp: first, through the act of buying and selling, right remains particularized as both parties hold entitlements and are able to enter into whatever they deem to be a just contract; second, by allowing us to express free from coercion our will over things, it reaffirms the right to property; and finally, by preventing the state from imposing arbitrary conditions of exchange or distribution, it limits the power which could take away our freedom.

* * *

Communist ideologues have been successful in channeling the desire some have for justice into an acceptance of their precepts. They have, for example, accused the clergy so much of a supposedly pro-imperialist policy intended to keep campesinos ignorant and poor, that the Vatican is even being forced to follow anti-capitalist policies as a result. Another serious accusation against capitalism is that of carrying out genocides. Let us see what Sartre has to say on the matter in *Between Existentialism and Marxism*. The subject is the genocide committed by the imperialists in Vietnam.

It is important to agree that a definition of genocide must include the intention to carry it out. That is, we cannot speak

of genocide when referring to normal conflict. Hitler, for example, was guilty of genocide against the Jews because he condemned them to death, not because they were up in arms or even because they joined resistance movements, but simply because they were Jews. It is rather incongruous to assert that Americans killed Vietnamese because the latter were yellow-skinned; so were their allies. The B-52 incursions were actually a desperate measure intended to protect South Vietnam. In every army there are sick individuals who go too far. But sometimes such deplorable events are less the result of perfidiousness than of the inevitable overzealousness of soldiers who find themselves at great risk of their lives, in confusing circumstances, even unable to tell friend from foe, precisely the conditions that prevail in Vietnam. Obviously, when victory is achieved the victor must respect the natural rights of the people, including the troops which surrender or merely obeyed orders, having committed no crimes of war. It is also true that modern armies have had to deal with military objectives in proximity to civilian populations, and the highly destructive weapons of today hardly distinguish between combatants and civilians. And yet it is not correct to assert that such weapons are genocidal: their use, in itself, does not connote the explicit and perfidious intention to harm the civilian population. It is interesting, however, that only the US is accused of genocidal intentions for possessing such weapons; certainly Sartre was aware that they also belonged in the Soviet arsenal.

Although it is undeniable that genocides were committed during European colonization, they can hardly be attributed to the colonizing country as such. Rather, they seem to have been the result of decisions made in diverse circumstances by occupying groups. But attributing this to a capitalist mentality is, to say the least, anachronical. When have Canada, Sweden, Denmark and Norway, among many other which are to be considered capitalist countries, committed genocide? Sartre accuses the West of wanting a war of devastation, and of planning it as a way of solving its economic crisis besides. Exactly the contrary seems to be happening; the crisis confronted by the capitalist system generally consists of economic indicators falling below levels generally accepted as desirable. As far as I know, never, not even on the worst occasions, has the situation

become unmanageable or poverty become generalized. If there is no talk of such crises in the communist countries, it is because they live in a state of sustained crisis, which is reflected in their meager economic achievements as compared to the West (even when the West is *in crisis*). Peaceful coexistence is in the interest of the West, for the simple reason that the market process functions better in peacetime. And thinking of war as a solution to an economic crisis is a rather risky endeavor, especially in the case of a highly destructive conflict. Genocide is characterized by the intention to kill non-combatants, to intimidate and terrorize them. The anti-guerrilla struggle in El Salvador, for example, involved no genocide because, at least in design, it was sufficiently selective. The stories of persecution told by refugees who reach the US are often a means to avoid deportation, a means which the left takes advantage of in order to perpetrate calumny, even though, of course, persecutions were not unheard of.

Genocide, Sartre will say, "bears the mark of the society from which it comes." By that we must understand that he considers North American society as innately genocidal. In considering genocide as practically the absolute basis of anti-guerrilla strategy, he pays no attention to the fact that already there are anti-communist guerrillas who enjoy wide popular support, and that the struggle against them would have to be similarly considered. The correct strategy is *paramilitarization of the allied population*, but when this is done in order to confront communist guerrillas, the organized left pins the ultra-right label on it so as to prevent the war against insurgence from being won. Procapitalist forces must avoid falling into that trap, as they fell in my country. Genocide has been effectively utilized against guerrilla insurgence throughout history, but it can only be effective if the society whose army is to practice it is itself subjugated or alienated, or otherwise it will reject it and court martial the culprits. Thus, genocidal policies would unleash a strong repudiation and would actually work against winning the war. Communists can commit genocides because there is no will to expose them, and because they can count on the backing, not of the people, but of powerful tyrants and fronts; the case of Cambodia speaks for itself. They are the ones who still threaten to bury capitalists and

members of those social classes they deem irreconcilable enemies, and who would reward such actions.

As is usually the case, the Vietnam war had multiple and complex motivations, not all of them unquestionable. But even if we found not a single soldier or politician in our camp to be worthy, this would only merit a circumstantial judgement. On the other hand, within orthopraxical limits, every anti-communist fight is justified. Sartre, however, concludes that the United States of America is planning total genocide against humanity upon the emergence of many Vietnams. The US, of course, will defend its ideology, its allies, and freedom-loving peoples even upon the emergence of ten million Vietnams! That they must do if they are worthy of their place in history. But it will not be US soldiers who will ultimately do the fighting. It is only a matter of time before people rebel en masse against Communism.

In Vietnam, Sartre says, the United States demanded that the enemy surrender, or otherwise it would crush them. Perhaps Sartre could have jogged my faulty memory and told me when, since man is man, a combatant has not demanded surrender of a rival before ending a state of war, depending of course on his military position at the time. The US did not bomb the North Vietnamese back to the Stone Age; they tried to contain them. The Soviets did threaten Japan with doing just that if it dared interfere with their plans. No one would consider Sartre an extremist among communists by the way—I point this out merely to help some realize the kind of enemies they have. Finally, let us not forget his accusation that North Americans have no participation in the actions of their government. Is that his way of prescribing a direct democracy? If so, the obvious must again be stated: one such is never to be found in the communist camp.

Summing up, everything Sartre says in this vein could justly be considered rubbish, and that would be putting it mildly. But this is the least of it: rubbish can do us little harm by itself, and whether it is packaged as existentialist or humanist is no cause for concern; there is nothing new in that.¹⁹ What makes matters serious is not what Sartre says, but what the *New York Times Book Review* comments. From the above, and from other writings which have also appeared

in a certain publication, when Sartre accuses the US of genocide and calls North Americans the enemies of humanity, the *New York Times* exclaims, "Touching!" When he calls them thieves, it writes, "Powerful!". And when he labels them alienated and machine-like, it calls Sartre a genius. That is where things stand for democracy!

Before World War II, Rosa Luxemburg already averred that capitalism had declared mortal war against the natural economy in whatever historical form it appears at a given moment, which curiously includes slavery and feudalism among others. But it is not capitalism which emerges and historically develops in a non-capitalist social milieu, since the natural social milieu always has a capitalist tendency. It is *statism-usurpation* which intrudes into a spontaneously-developed capitalist social milieu. We shall overlook in this author those theories which are merely economic: there is nothing new to be learned from them, and we have already established the real reason for the accumulation of capital in democratic states. But Rosa Luxemburg identifies natural economy with production for one's own (practically immediate) consumption, where there is no demand for outside commodities and practically no surplus of one's own products.²⁰ Actually, this does not define any natural economy, but rather a marginal and extremely underdeveloped one. Progress is a natural necessity, and there will be little progress where there is no demand for outside commodities, no surpluses, and so on. Could it be that the communist countries neither export nor import products, and produce only for their own consumption? How would groups settled on barren lands obtain agricultural products if others did not produce them in excess?

Natural economy is mainly an ethical concept which has nothing to do with the above, but which refers instead to the distribution of wealth in a way that achieves the common good. The notion of the author is so archaic that it binds natural economy to land as a means of production, without taking any other asset into account as an alternate means. Depending on its point in history and on its environment, every society resorts to the means of production which allows it to function better and to bring greater welfare to all. If money is an adequate and useful means, it is worth utilizing

it. Let us remember that, in any case, money is merely the representative element, and that natural resource will always remain the basic means of production. The only thing to watch for is that it be assigned to those who truly deserve it and in the proportion in which they deserve it. This will make a natural economy.

The accusations that capitalism seizes the important sources of production, that it makes laborers work for capital, and so on, misidentify not the miracle but the saint. It is man, not capitalism, who does such things. Every enslaving power seizes the productive forces for its own benefit, and makes not only laborers but everybody else work for it. These are calumnies disguised as truths, since they are based on undeniable facts but leading when it comes to identify the culprit. It is unacceptable to accuse only capitalism for having annihilated the social organization of the conquered and deprived them of their productive forces, as if other conquerors have not. Quoting Luxemburg, "...all the conquerors dedicated themselves to the domination and exploitation of the country..." and previously, "...and they collected taxes from the population."²¹ It seems that we will have to accept that such forced tribute and exploitation did not deprive those who were so robbed of their production or, which is the same, of their productive forces.

The support some capitalist countries might have given the abuses of certain consortia is a matter for history, not for ideology, to judge, and the investment of monetary resources, the usual method for founding and expanding enterprises in the capitalist system, cannot be confused with the projection of the principles of that system, which occurs only when methods are totalized with values. In other words, such investment does not in itself constitute neither exploitation nor orthopraxis. The practical ways of developing the capitalist system—capital investment, loans, and others—cannot guarantee the fulfillment of a humanist ideal in all the actions taking place in a community which lives under that system. That is not possible because human behavior is not exclusively determined by political doctrine, but also by other structures and categories of thought whose proper channels of expression must be respected lest they be engulfed by the political sphere

and we fall into totalitarianism. What the capitalist system must guarantee is the praxis of nomocratic right. And let us entrust philosophy, science, cultural education, art and religion with the task of shaping the soul to perfection.

Capitalist colonies have also allowed the people to continue in their economic endeavors. All that happens is that a new economic concept is established. Previous conquerors did not have such different economic ideas that there was a marked change of economic mores. That is the difference between the dominion of India by the Mughals and by the British. Each conqueror imposes its own brand wherever it arrives, and the extent to which things will change depends on the differences between the cultures of the conqueror and the conquered. Actually, the land has ultimately belonged to the conqueror, irrespective of his ideology, even though there are differences regarding its administration. The conquered have been recognized several rights, depending on the particular idiosyncrasy of the conquerors. For example, before the birth of modern capitalism, Indian America was conquered by Spain and its lands became the property of the Spanish crown. However, since they were guided by Castilian law, which was derived from Roman law, they established different types of right to the conquered land, communal and private rights among them. Still, as it is to be expected, this did little to counter the arbitrariness of those in power.

Before the emergence of modern capitalist civilization, there were many conquests, cruel, oppressive, and even genocidal, many within primitive communism. Now then, the modern democratic system displaced feudalism and absolutist monarchies—these systems actually belong on the natural axis of life, with special characteristics dependent on the times—not because the latter were necessarily unjust, but because in practice they were, and because the idiosyncrasy of the time required it. And what can we say of capitalist North American *colonization*? US conduct towards the vanquished has been exemplary. In Japan, for example, they instituted some of their system because they could do no less. But they did not exact onerous tribute, allowed the country to become the most technologically advanced one in the world with the exception of military technology, and allowed the people

greater freedom. By way of contrast, let us note the walls, the guided education, and the state terrorism wherever the communists grab hold. When Rosa Luxemburg states that pre-capitalist conquerors dedicated themselves to domination, the assertion that they left social organization intact becomes impossible to support. Still, unless they are directly threatened, few conquerors interfere openly and excessively with popular customs and traditions. Native religions, for example, were not challenged in British dominated India. The US has interfered even less with the customs of peoples.

The accusations over the formation of a *monopolistic state capitalism*—with all the presumed evils of a *super-capitalism*—constitute, perhaps, only projections of an unconscious fear of the logical consequences of the communist system. It must be recognized, however, that some will necessarily be affected whenever the capitalist system in its modern version is introduced in a group which has any collectivist structure. What the communists have never been able to understand is that this is simply a transitional matter. Under those circumstances, with the rise of free trade and competition, considerable ability and effort are demanded from the individual intent on his sustenance, which previously he obtained with perhaps less work as a marginal producer in a collectivist structure. Introducing the capitalist system does not imply expropriations, only privatization of the economy. Communal lands, for instance, may be offered for sale or given to individuals. But if there is any former tenant left without land, he must be accorded a compensation. Now then, the modern mode of capitalist production requires the creation of a physical infrastructure, a manufacturing industry, financing, commercialization, and so on, which favors the emergence of great enterprises. Thus, some are unable to adapt, they fail or are displaced by competition, end up as salaried workers in enterprises, or are forced to sell potentially productive assets, such as when commons were abolished in El Salvador. If, however, adequate mechanisms are placed at their disposal to give them the opportunity for self-fulfillment derived from their constitutive social support, the principles of nomocratic right are not contravened. Because he failed to understand all that, Marx thought that when a bread cutter in East Asia (who could meet

his needs by producing for twelve hours a week) was forced to work all week (to meet the same) upon the introduction of the modern capitalist system, this necessarily implied that the capitalist had appropriated the extra labor. But there is no coercion here, only a natural calamity, and the extra labor was the price to be paid for entering to form part of an expanded enterprise and thus for a prospective self-betterment.²²

The collectivist the mode of production can sustain acceptable living conditions. But that usually occurs under favorable circumstances, when nature provides without exacting great creative effort, as when the soil is fertile and produces sufficiently to meet the needs of the population which lives of its product, and there are no great social pressures. In changing situations, as when the population grows excessively, or when greater productivity is required for the sake of the children, the aged, etc., and in order to keep emerging institutions and services functioning properly, only the modern capitalist system offers a solution. The initial situation does not create the necessary mechanisms for protection in hard times. When the capitalist system is established, and no unsurmountable adverse circumstances come into play, the creative take the reins of production, opportunities are created for the displaced, living standards rise, and the future generations may confidently expect a better tomorrow.

Finally, let us ask ourselves a question: What is more likely to annihilate the social organization of a conquered people? Certainly not the imposition of a particular economic way of life; that is only an aspect of no longer being in control of one's own destiny. If the communists realize their dreams of world domination, then we will surely observe the paradigm of the anti-natural and of the darkest and most vile tendencies of the human soul. Lined up as bitter enemies of the conqueror, we would find: religious beliefs, individual self-esteem, artistic expression which is not in accord with party norms, and every idea which does not conform to the thought of Marx, Engels and Lenin. We would see the establishment not only of economic domination, which is what usually interests a conqueror the most, but also a total and permanent change of the nomocratic traditions and customs of the peoples subsequently being subjugated, until control of the will and mind of every-

one was achieved and everyone deemed their tormentors to be their benefactors.

No one can or wants to defend the evil deeds committed by men who, although born in a libertarian system, are its antithesis and shame. But the difference, as Aron well said, is that the East (the communists) is not the victim of its mistakes, while the West is. Capitalists are extremely self-critical in our time. Communists justify all their vile acts, as those who are not in the right do. And by means of calumnies and exaggerations repeated a thousand times, they have achieved credibility in significant sectors of the population. It would be good to analyze not only the terrible events of Southeast Asia, but also something that is closer to our shores. Although no one will claim that pre-Castro Cuba was anything resembling a model of capitalism, and although there is no justification for the actions of Batista, nothing compares to what is happening in Cuba today. Batista was an undesirable dictator because of his incompetence, his undue hold on power, some despotism, and the nepotism typical of Latin American caudillos. But despite that, the people were mostly free to do their own thing, although some sectors of the population were necessarily neglected. With Castro, certain sectors have been demagogically favored to the prejudice of others, which is causing an obvious lowering of per capita income.

But what is crucial is that under Batista there was never such dreadful state terrorism, nor ever the constant and infamous denunciation of honest people merely because they do not agree with the regime, or the prison sentences on this account. Neither was there ever the merciless gagging of the free play of ideas, of literary expression, and of the most elemental freedoms. If this has not disorganized society, who knows what can. And these are not calumnies, but facts of everyday life for thousands and thousands who had the misfortune of losing their homeland to the communists. As if all that were not enough, the island of Cuba today is merely a gigantic prison which nobody can leave without official permission—and not without relatives first making burdensome payments to Castro and to certain governments which trade on human beings—or risking his life in an attempt to escape. Few tyrannies have acted this way. The calumnies must not

confuse the free man in any case, since surely he hears other points of view as well. If he fails to heed the defenders of the libertarian cause, if he accepts an economy and system which are anti-natural to him and bequeaths them to his children, the responsibility will be entirely his.

Notes

¹Engels, F., *El origen de la familia, la propiedad privada y el estado*, Ch.V, p.130. Editores Mexicanos Unidos, S. A., México 1982.

²Harrington, M., *The Twilight of Capitalism*. Simon and Schuster, New York 1976. Little has to be said about this author. It is incomprehensible that he can overlook the fact that, although the poor or the proletarians constitute a majority in this world, the bulk of them does not wish to be represented by the communists. The vast majority (which happens to be the title of another of his books) demands recognition for the individuals they consider themselves to be, capitalist rights in other words.

³Marcuse, H. and Popper, K., *Revolution or Reform? A Confrontation*, New University Press, Inc., Chicago 1978.

⁴Marcuse, H., *Razón y revolución*, La filosofía de la historia, pp.220-230. El libro de bolsillo, Alianza Editorial, Madrid 1983.

⁵Marcuse, H., *One-dimensional Man, One-dimensional society*, p. 32. Beacon Press, Boston 1964.

⁶Marcuse, H. and Popper K., *Ibid.*, Program I, pp.66-67.

⁷Marcuse, H. and Popper K., *Ibid.*, p.73.

⁸Marcuse, H. and Popper K., *Ibid.*, Introductory essay, p.5.

⁹Unless the present tendency is reversed, as we are starting to see, chaos is certain to reign in the minds of men. As Ayn Rand states, "The assault on reason has never reached a deeper level or a lower depth than this." (From *Introduction to Objectivist Epistemology*, Definitions, pp.62-63. A Mentor Book, New American Library, New York 1979). Ayn Rand conclusively demonstrates how language constitutes, above all, a learning tool to gain reality-based knowledge, not a meaningless arbitrary accord. I differ with her on only two points: with room for agreement, perhaps, on the value of subjective appreciations, but radically opposite on the subject of mysticism. Contrary to what is commonly believed, the latter is susceptible of logical and objective evaluation. But what is more important is that mystical thought is an integral part of the natural axis of life, as we sketch in this book. Most of the difficulties in understanding Ayn Rand are due to semantic differences over such terms as selfishness, altruism and others. However, she also held some incorrect appreciations (on faith, duty, force and others), as is clear in several of her works, *Philosophy: Who Needs It* for example, especially chapter seven. Discussion of this latter work is of no interest here, since its author generally takes an appropriate moral stand in matters of right by virtue of her individualist philosophy, and therefore defends the true libertarian principles. And that is because Ayn Rand was a woman of faith, only she herself did not know it.

¹⁰Aron, R., *El opio de los intelectuales*, conclusión, p.305. Ediciones Siglo Veinte, Buenos Aires 1979. Reading this book, a work of rare depth, is recommended. The following sentence, found on page 306, goes straight to the

essence of things: "Liberals doubt themselves and experience a guilty conscience at sometimes finding themselves on the side of evil (the right, the reaction, feudalism.)".

¹¹Most of what is here quoted from E. Fromm is found in his book, *The Art of Loving* (Perennial Library, Harper and Row Publishers, New York 1974) especially in part three, *Love and its disintegration in Western contemporary society*. Other references have been taken from chapter twenty-three of *Capitalism: The Unknown Ideal* (Ayn Rand, New American Library, New York 1986), written by N. Branden. Like all messengers of death and doom, Fromm is welcome by the deserters from the Western faith. N. Branden deals with him properly, with lucid arguments which, in the socio-political context, I share and follow in the present work. The entire work of Ayn Rand constitutes a strong bastion against the alienation and desperation brought about by the loss of faith in one's own and by the incorrect interpretation of the inherited cause.

¹²Lukacs, G., *El asalto a la razón*, Sobre el irracionalismo de la postguerra, pp.618 and ff. Ediciones Grijalbo, S. A., Barcelona 1976. The epilogue deals especially with an imaginary Fascist danger threatening the Soviet Union which is supposed to have developed since the end of World War II. The fallacies are so numerous we cannot even attempt to list them.

¹³Lukacs, G., *Ibid.*, pp.690.

¹⁴Sartre, J. P., *Critique of Dialectical Reason*, Book I, Ch.III, pp.153-154. Verso, London 1982. Such assertions constitute no more than a modified version of the theories of Marx and Engels. The presumed structural exploitation of the mining workers is based only on the fact that these had not escaped poverty, when the most important reason for that lies in the fact that society had not yet developed its productive forces to the point where enough wealth was created to eliminate it. Patently, early capitalism was plagued with instances of coercion and exploitation. But since the logical display of its tenets was towards creating an effective market competition—with the corollary that salaries would rise, among other things—such instances were actually pseudo-capitalist praxes.

In the same way that is cited, the importation of corn (p.155) from Argentina, which was facilitated by the steamboat, certainly created problems for many British farmers, just like importing Japanese cars today does for the US automobile industry. But that cannot in any way be blamed on the existence of a plan to ruin the small farmers—large farms, for instance, could have been equally affected. On the other hand, the grain trade benefited Argentinian farmers, and we can assume it must have also benefited British society (in general) in diverse ways: promoting a better allocation of resources, and, in return, selling other products to Argentina among others. I do not know the particulars of the case, but based on similar others, I think I may be allowed to speculate. And the only way out of the above evils is protectionism, which here would be in contradiction with socialist praxis. To Sartre, the big business will take advantage of any industrial innovation to ruin the small. But although competition can bring small businesses and less inventive businesspeople to bankruptcy, society may also benefit from the concomitant relocation of resources. Those who have failed in one business may go into a different industry, perhaps one derived from the latest technology, and find success there. Look at the example of those countries which negotiated such crucial turns in their history intelligently, and are today industrialized and rich.

¹⁵Sartre, J. P., *Ibid.*, pp.781-784. The El Salvador-Honduras war was also deemed by the communists as a plan by the oligarchies to submit both peoples. No such plan could have been more stupid. The ephemeral support that the governments might have gotten would have been more than offset by the business and trade halt, with the consequent impoverishment of the region. More important was the collapse of the integration that both countries were heading for, which would have wielded a much greater anti-subversive power. Only the communists profited from the war, as was evident soon enough. The resulting enmity was anti-praxical the most only for the freedom loving people, the vast majority.

¹⁶As in the case of the whole and the parts, *alterity (being in other)* shows a sheer linear logical display. To Sartre, alterity manifests in a condition of conflict of man before his peers brought by negative reinteriorisations of material conditions. Matter would determine man through man, which would have been imprinted in matter through praxis. As we said in note ten of chapter one, it is possible to speak of man's presence in his material creations. What influences man, however, is not fundamentally the material object itself but the significations and the will which man—other, only in a physical sense or within a social or an intersubjective context—bestows upon such an object. Man may invalidate such significations or bestow his will upon a different object, and can exert influence upon others with no material medium involved, as through his ideas. The crucial point is to notice how the conception of a spurious dialectics leads to the dire concoction of a man who looks to everyone else as his enemy, something that not only history but the simplest of introspections denies.

¹⁷Sartre, J. P., *Ibid.*, Book I, Collective praxis, pp.320-321. To Sartre—citing an example of deforestation as a means to clear land for cultivation, which ends up causing floods—praxis leads to a counter-finality. This he deems intentionally implemented by *The Other* and intent on pauperizing the victims as to be able to exploit them (pp.162-166 op.cit.). But such calamities are determined essentially *in exteriority*, that is, by an inertial ensemble (without any existential processing, content or drive involved beyond the sub-emergent levels of reality). In the relevant sphere of the event, man's role appears as circumstantial, although not exempt from liability. To support his fabrication, Sartre attributes the negative character of praxis to a dialectical process determined by scarcity. Such character, however, correlates fundamentally to the value or the goal pursued. Indeed, a dialectical process takes place here, but only when considerations of right arise, since this requires an emergent-level solution. Only through a distorted notion about economic relations can anyone assert that praxis itself put others in vulnerable conditions. Clearly, any exploiting scheme through floodings, or similar contrivances, constitute an entirely different praxis which organic social dynamics will always tend to prevent. Otherwise, man would still be in the Stone Age.

¹⁸Obviously, a genuine dialectical contradiction of production is found only in the existential realm and as anti-praxis, not as physico-biological phenomena. Patently, some fact of the external reality or *the real world* is needed as a referential field for an actual dialectical event to take place, but the *eidos* of the latter remains of emergent-level nature. In our case, any dialectical situation between production and consumption would relate to the fact that the goods produced are object of wills over them, distributive policies for example. Thus, we do not need any further qualification of such

goods—whether they have actually been produced or merely found; whether they are destined to be consumed or not—for the same situation to prevail. Moreover, the referential field can even be eliminated, and we will always be able to discern an intelligible state of opposition intrinsic to the emergent-level category of property. The opposite is not true.

¹⁹Sartre, J. P., *Between Existentialism and Marxism*, Pantheon Books, New York 1974. The above concepts can be found in chapter two, pp.67-83. Among other things, Sartre does not even entertain the possibility that it was the communist who started the war in Vietnam, when they attempted to subjugate our allies and bring down their government. The greater responsibility for war always falls upon those who espouse the most anti-natural cause.

It is undeniable that the US had allies in Vietnam, so the assertion that an entire nation was attacked is unsupportable. An attack can be said to be on an entire nation when there is an attempt at conquest, in which case there are no allies to be defended, perhaps only a few traitors. Many Vietnamese did not want communism, so much so that many paid with their lives for their libertarian ideals when the US abandoned the war effort: genocide was not long in coming. Only the communists hated the North Americans in Vietnam. Sartre asserts that the US was responsible for the war because it did not want to choose peace. The truth is that the price of peace was the subjugation of our allies, and no one can accept peace at such a cost.

²⁰Luxemburg, R., *La acumulación del capital*, Ch.XXVII, pp.283-284. Ediciones Grijalbo, S. A., Barcelona 1978.

²¹Luxemburg, R., *Ibid.*, p.286. A great many examples from a totally prejudiced point of view follow from here on in, all based on the idea that capitalism was violently implanted in the colonies. All that could have been implanted was an unfair-advantage trading system, thus denying the capitalist concept. Violent implantation of capitalism means the overthrow of a tyrannical regime and its replacement by a libertarian one.

²²Marx, K., *El Capital*, Section V, Ch.XIV, p.150. Ediciones Grijalbo, S. A., Barcelona 1976. Given that we must assume that a fair price would be paid for the land and the trees, there is no reason why that money cannot be used in profitable ways to sustain life better than before—as previous production must have been marginal—although that may well need a measure of creativity. And if things go right, the payment the breadcutter will receive for the extra labor he will perform—working in the new factory, for instance—plus the benefits he will derive from increased fiscal resources, etc. will meet his needs in a better way.

CHAPTER IV

BACK TO FUNDAMENTALISM

Although it may be fashionable in some circles to call oneself a liberal these days, and although liberalism may have set the pace in the fields of science and economics, we must now turn to fundamentalist conservatism in the social, ethical and political realms. In general, conservative thinking does not originate in any fear of change, but in the conviction that there are true pillars and genuine values which must keep their essence although they may change in form. It is to some extent the liberal tendency of today, ill understood and carried to the extreme, which is destroying family and faith, and which encourages insignificant movements, not at all like the greats of yesterday's liberalism. It may be possible to trust spontaneous correcting forces to set things right again because liberal thought, when orthopraxically displayed, is enormously adaptable and creative. But it could also be, and it is to be feared, that the damage done will already be irremediable by the time such correction takes place. What we will discuss in this chapter applies mostly to the liberal left, although less with respect to ideology than in terms of the impact they have on the practical management of the affairs of the empire. Our main concern here is US foreign policy, and I will concentrate on events which took place when Ronald Reagan directed that policy. I will make mention of specific actions, either of statesmen or of the government, but only because it is easier to evaluate political praxis from them.

When the executive branch of the US government decided rightly to invade Grenada, clearly established as a Cuban

base, Ronald Reagan was accused of interventionism, and so on. Intent on gaining political advantage, the liberal left rushed into the fray because they thought the North American people would react against the invasion. Since that did not happen, the scandal died down.* Something similar took place when Nicaraguan ports were mined, even though that constituted a legitimate defensive action, non-terrorist given that it was intended to prevent an escalating conflict and carried out in support of a just cause. Every death of a North American official, civilian or military, also stirs things up, because such losses are attributed to wrong-headed policies when they are really inescapable sacrifices in the struggle for freedom. I will deem things of this sort liberal—which in an endeavor to be respectful toward different tendencies, opens the door for the anti-natural as an alternative—although it may not fit thoroughly each particular background or stand. Certain aspects of the Reagan policy were criticized because it was unable to prevent war. But who can point out a wise policy which has prevented war anywhere in the world? There are times when liberals conduct themselves in an exemplary manner confronting a challenge; but when Communism is involved, they manifest what I have called the *mea culpa* syndrome. That is why all kinds of obstacles were placed in the way of the executive branch when it endeavored to aid the *contras*, above all the pressure made through the media. Among other things, the administration was challenged to submit proof that Sandinistas constituted a threat to the US. There was no lack of categorical proof, but none more eloquent than the century-old Communist Party Manifesto.

When Jesse Jackson was asked about the lack of elections in Cuba, he replied that Cubans had the right to act as they saw fit. Who are they? The ones in power? But he did not grant the same right to allies like El Salvador, since he was intent on forcing Salvadoran authorities to share power with those

*I thought it more illustrative not to update most of this and of the following chapters, retaining the historical framework of the Spanish edition, because that framework is crucial not only for an understanding of the past and its results, but more importantly because of what we may face in the future. The debacle of the Soviet Union has changed the script, to be sure, but the basic plot remains the same: communist penetration continues in other guises, and the attitude of the democratic forces in the face of such penetration remains lacking in libertarian orthopraxis.

the people repudiate. The liberal argument is as follows: if we intervene, they also have a right to intervene. Capitalists must believe in their cause because it is true. That being so, they have a right to defend it, and its enemies have no right to attack it. In more ideological terms, an action of intervention is neither a qualifier nor a disqualifier of righteousness, such as is the moral content of the action. Such sentiments of moral equivalence are the result of the spirit of non-discrimination which prevails in the second half of the century, and constitute the greatest obstacle facing the defense of democracy. But if any imperialist disposition were behind any intervention, I would be the first one to oppose it. Things have taken such a turn for the worse that friends are judged by a double standard contrary to the above. Thus, they are left to fend for themselves, and counsel is sought of enemies. If we want to find out what is going on in a country, we must ask our allies, not our foes. The moment has come to set things straight; let us call our allies friends, and our enemies foes!

The conflict between liberals and conservatives takes on the greatest geopolitical importance in the United States of America. There, liberals have taken the stand of demanding from allied nations peacetime statesmanship at a time of war, and to renounce their idiosyncratic ways of administering justice. Allied nations, on the contrary, do not hedge on their commitment to the American cause just because the US is not free of corruption, racism or injustice, or because it has its own ways of defending such a cause. It has become commonplace to pin Nazi or fascist labels on anyone who assumes an unswervingly anti-communist position. It is liberals who most take such disinformation seriously, afraid to be criticized if they take a similar stand. Partly for that reason, liberals adopt conciliatory attitudes, as when they put on the pressure until Salvadorans were forced to accept a negotiated settlement of the war which—welcome though it was, since it eased the suffering of the people—has yet to clear the way to a free and stable future. Although they are already showing signs of change in the face of an undeniable reality, liberals are not yet up to the demands of the historic circumstances. And the US conservative administrations, partly as a result of liberal pressure, partly out of ignorance of certain realities, and faced with

the problem of having to contend with an electorate in large proportion totally out of touch with contemporary political reality, are unable to elaborate as coherent and determined a foreign policy as it should.

Certainly the US stands to benefit from having politically stable allies. Not just because of the neutralization of the communist military threat that implies, but also because its capital and enterprises (including the trans-national ones) are thus able to work with greater safety. However, great care must be taken not to end up financing the enemy, and to ensure long-term political stability by creating awareness among allied peoples of the nomocratic system of life. Because economic planning based on the political stability of the enemy is not only risky, but immoral as well. When allies receive support and are led to victory, there is the risk that despots and corrupt leaders will grab the reins of power. In such cases, attempts must be made to place honest allies in their stead, through diplomatic and economic pressures, or even resorting to political intrigue. But in order to recognize the best and most honest allied leaders, ambassadors and political advisors of express capitalist ideology are needed who are also steeped in knowledge of the foreign culture, and that is not easy to come by. The allies cannot continue to lose blood fighting the communists, so that tomorrow they are left at the mercy of the latter. Twenty-five years ago, the communists did not have a single base of operation in Latin America, and Cuba was handed to them. Kennedy might have been poorly advised, but there was no excuse for handing over Nicaragua. And loosing El Salvador to Communism today would be unforgivable. This is no *domino game*. This is a cause. Iran was a solid supporter of the US, and in due time, a policy to keep it that way could have been devised without resorting to any intervention leading to the loss of sovereignty. In previous editions, I supported the Shah trying to preserve Iran as an ally. But although Khomeini had the right of fighting the oppression and in trying to keep Iran's traditions alive, perhaps if a substitute of the Shah had been supported—conditioning this to his commitment to ensure economic justice, avoid repressing the political dissent, and to preserve the country's cultural values—would have provided the fundamentalist movement a deserved space, which then could have led to

an agreement instead of a revolution, and to the survival of the US-Iran alliance. And eventually, the respect and the upholding of Islamic values and traditions, could have fostered better relations between the US and the fundamentalist movement.

Incredible things are happening: communist guerrillas are granted political asylum in the US, and even allowed activism against the country's foreign policy. Genuine humanists may be welcome, although they should choose a communist country to live. Not in the Soviet Union, not in Cuba, and not in China, is anybody helped who fights against the Marxists. What the US is looking for is the creation of a huge terrorist network in its own territory. Assistance is no way to win the enemy over; but aid to Communist China, for example, may help to take advantage of Chinese-Soviet enmity. Aid to Nicaragua, on the other hand, would benefit a sworn enemy, and would serve no political ends. No authentic anti-imperialist nationalist feelings will be awakened by opposing the Sandinistas. It seems that a sort of *mea culpa* superstructure transcending liberalism and conservatism, which explains all this, has taken shape.

If it commits to it, the US can achieve the cleansing of institutions in allied nations without any need of pressure from the enemy—the presence of Marxist guerrillas, for instance. Withal, I can understand those whose first political priority consists not in preventing a communist triumph but rather in not committing to joint struggle with anyone who, in their view, violates human rights. I might make the same choice under certain circumstances. The trouble is that they do not put the actions of those who engage in the anti-communist struggle in the proper perspective. But in that case they should be consistent, and oppose collaboration with anyone and everyone who violates human rights, the Soviet Union most of all. I am aware that there are those who do take that stand, which I respect but cannot share: it also leaves honest allies at the mercy of the enemy. Defending against the communist threat does not preclude engaging in the struggle for human rights. The policy of uncertain support is the most disastrous that can be followed, and the one most likely to bring ruin to an empire. Whatever the hue, the oldest political commandment in the world is to help friends and attempt to weak-

en or destroy foes. If this commandment is not followed, whatever else is done is irrelevant.¹

A conservative Senator has already pointed out that one cannot fight an enemy regime and at the same time lend it money. He saw that as clearly immoral. As far as I am concerned, trading and other relations with the enemy are valid as long as either we gain increased advantage or his eventual weakening is contemplated. Aid is reserved for our friends. That is what is called political maturity and political orthopraxis. There is a difference, however, between aid to the enemy and help for the people (who generally have been misled or do not participate in decision-making), when a natural calamity overtakes them, for example. Assistance is obligatory in such a case, and human solidarity in the face of disaster (which could some day overtake us) must set aside all petty differences, at least until the tragedy is overcome. I make this last caveat because that is how man is. Ideally, a situation of this nature should lead to a permanent rapprochement between peoples and governments.

Today, the exaggerated disposition to correct presumed or real past mistakes has led to a situation favorable to the enemy: while allies are required to be a model of perfection, enemies are never threatened with embargoes or required to have elections, except in certain cases when their foreign policy becomes too troublesome. One need not be a career politician to realize that this dangerous duality originates in a previous undesirable situation. In its relations with Latin America, the US has had some hits, but also some great misses. One such miss has been the policy of maintaining good relations with despotic governments as long as the status quo held up. That is using the wrong means to defend libertarian ideology, and contradicting it to a great extent. It should not surprise that communist ideology became popular in such situations. That, added to the ever greater manipulation of the US public by leftist propaganda, and the increasing complications of having to conciliate diverse interests, forces, tendencies and political views, has led to a crisis in US foreign policy vis-a-vis Latin America.

The first situation, labeled *the system* by some left-wing liberal intellectuals, had become difficult to support in the face

of the above. Since Latin American despots had committed all kinds of atrocities against their democratic opposition, and against those who demanded justice and the honest administration of public funds, International Communism took advantage of the ill repute of the past in order to discredit current efforts to oppose it. The case of El Salvador is typical. And that is where the new US foreign policy of containing communism in allied countries is undergoing a true baptism of fire. The latter consists, as I described in *El Salvador: Who Speaks for the People?*, in the fabrication of a presumed ultra-right which, like the communist guerrillas, fights against democracy and must be combatted, or at least ousted from the political leadership of the nation. To give such a fabrication a semblance of credibility, it must provide then not only for the removal from power of the old prominent tyrants of the right, but also for the restructuring of internal politics. That requires making scapegoats of entrepreneurs, enacting reforms to confiscate the product of their efforts using the same communist slogans for different purposes—reforms which, as is to be assumed, will be carried out by a socialist government.² This policy constitute a clear example of false nomocratic praxis.

I do not imply evil intent in US actions, although some see in those socialist measures and in the resulting balance of power an ill-disguised means of impoverishing and weakening the country to make it politically dependent and a pawn of either the US or of globalist designs. I find that difficult to believe. My personal impression is that the natural inclination towards a change for the better was wrongly channeled, unconsciously or demagogically. The lack of understanding of our cultural idiosyncrasy on the part of the US makes its policy error-prone. The disorganization and deficient institutional management typical of Latin America persisted in Duarte's administration, resulting in the formation of a new governmental Mafia, ultrarightist in some aspects although socialist in others, a sort of fascistoid regime. The US possesses such great economic and military power that it can lift itself out of the mire such policies lead to, but only at the cost of great sacrifices and a denial of its identity. How long can such measures work?

Conservatives have certainly contributed to this dangerous and undesirable situation, but the main responsibility for

the tragic errors of US foreign policy in the last few decades fell (and still falls) on the political, journalistic and intellectual liberal left wing. Had the liberal left been heeded these last few years, there would have likely been rapprochement and aid for the Sandinistas, which would have made it difficult for the opposition to triumph in the recent elections. Of course, nobody doubts that left-wing liberals would have changed their stand if they had perceived an imminent danger, such as the possibility of installation of Soviet bases in Central America. But allies falling into the hands of the guerrilla movements characteristic of Latin America meets precisely the first prerequisite for the installation of those bases. Obviously, as long as the Soviet Union can count on only a few sympathetic states in Latin America, its attempts in that regard will be counterproductive. But if it manages to expand its ideological alliance as above described, blocking the installation of enemy bases in several countries will be a little less than impossible. This outcome is practically independent of who rules in the US: communists do not befriend non-communist left-wing movements.

The Vietnam syndrome has affected the spirit of many liberals, who have become convinced the war cannot be won in Central America. Of course, it will not be easy in the face of a tenacious and powerful enemy. But if we do not allow ourselves to become demoralized; victory is possible, and what the communists have gained today they will lose tomorrow. And when the moment of truth arrives, conservatives must not fail: a correct ideology is worthless unless it is coupled with praxis. It is encouraging, on the other hand, that many are already gaining awareness of the real state of things: there are even bipartisan movements in the House of Representatives and in the Senate which oppose isolationism, and which understand that capitalism must be defended by standing shoulder to shoulder with our allies. There are those who would have us believe that the US can stand in isolation, and who would let all Latin America, even the rest of the world, fall into communist hands. With far superior armament, and far superior resources, it may be possible. But that would mean, at the very least, giving up on the dream of worldwide freedom. The same would have happened if the US had not entered the war

against the Nazis, and they would have had a free hand. It is in the national interest to back our allies, but that must not be the main reason for backing them. When there has been a joint struggle, commitments and alliances, abandoning an ally just because fighting for its freedom implies sacrifice cannot be justified on the basis of the national interest. Besides, most probably that sacrifice is only temporary, and beneficial over the long term. Except when special historical circumstances give rise to an alliance, only those who share our ideological position are to be trusted. When allies are lost, markets are lost, strategic points are lost, and people are lost. On the contrary, it can even be expected that a triumph for the anti-communist cause in Central America will weaken Soviet expansionism and help dissuade it from major confrontation.

The capitalist system is under attack, as Nixon clearly states. Already the most statist country, the Soviet Union, started the war against the freest, the United States of America,³ undermining the bases of its empire. And any aggression against one of its members is synonymous to an indirect attack against the metropolis. Thus, the ideological and commercial alliance cannot in this case help but be one of military alliance as well. No one in Central America, however, is asking that Marines be sacrificed now, only for other types of aid, and only as a last resort for the intervention of an allied democratic army. The communists have already engaged an army of their own in the region. As Solzhenitsyn warns, if the US does not act today to defend the far borders, it will soon find itself having to defend the near ones.⁴

I can understand why some might have been drawn to the liberal platform, mostly in order to advance associational and occupational interests. They should realize, however, that it is not that conservatives follow a policy for the rich; they follow what we have identified as a policy of the right. Even though poverty is said to have increased, there is a failure to point out that the cause lies in tendencies which date from the Carter administration. The phenomenon is a complex one, however, and it may be partly due to the reduction of benefits by the Reagan government. But as I understand it, this reduction does not affect those who are really entitled to the benefits. On the other hand, it takes time for reinvestment to bear fruit and

correct a bad economic policy. And besides, there can be a thousand reasons why an economy is held back without implying poor administration. It escapes no one, either, that defense expenditures are responsible to some degree for the US budget deficit, but these expenditures cannot be reduced in any great extent, and sacrifices will be required to meet them. A good economy is worthless if one becomes a slave. In supporting such a policy, even though it means reductions in their welfare allotments, the elderly in Little Havana offer an admirable example.

Facing terrorism

Terrorism can only be combatted by means of a global strategy, given that it is already organized in a global manner and is directed by powerful enemies. I am basically speaking here of terrorism aimed to bring US allies in Latin America to a downfall and to their Cubanization. Other cases merit specific consideration of the historical circumstances which give rise to it. Among other things, strengthening allied governments and cooperating with them are necessary in order to combat terrorism. Covert anti-terrorist activities—through the CIA, for example—must be supported; and I mean by every branch of the government, exercising the special right of the state to keep in secrecy matters vital to national security.

Trying to be respectful of sovereignty, liberals tend to aver that the US is authorized to defend its nationals, but not to intervene in other countries. But sovereignty can also be disqualified, and unless the US promotes the destabilization of regimes which export or facilitate terrorism, the terrorist network will grow irrepressibly. If the communists are allowed to triumph in El Salvador, for instance, the guerrillas now busily engaged in that front will be free to wreak havoc elsewhere. Of course, the US itself will be left alone for a time. And naturally, some fear the matters will escalate as a result of confrontational attitudes. But because allies in Cuba and Iran were abandoned, terrorism increased, not decreased.⁵ Formally and emotionally, liberals repudiate terrorism; but to see the end of it they must learn to make distinctions.

Terrorist actions are indiscriminate and intended to demoralize in an ignoble manner, attacking defenseless non-combatants preferentially. The concept of war crimes is foreign to the terrorist. How can anyone consider such actions as justifiable reaction to any imaginable wrongdoing of Western civilization or of tyrannies of the right? In *El Salvador: Who Speaks for the People?*, I tell how survival measures undertaken by the Salvadoran shock troops of *the right*—necessary in the face of the danger of loosing freedom—have been labeled murderous. Repression is actually a necessary praxis of power, whose legitimacy depends on that of the insurrection.⁶ When undue, it must be challenged, and the abuses and the acts of cruelty condemned because the battle must be fought nobly even against the vilest enemy, lest we become like him. But in order to become the enemy of the Salvadoran right, one must at least choose sides; in order to be seen as an enemy by the left, it is enough to fit a certain social background. The main fault of the Salvadoran right has been the rush to judgment; the main fault of the left has been genocidal intention.

Taking justice into one's own hands is not objectionable under a state of anarchy or war. But, having forgotten history, many deem the *clandestine* support for the established regime in El Salvador—that is, the institutional framework which supports the principles on which our republic was founded—to be something unheard of. In truth, similar phenomena can be observed in almost every war or serious social disorder. Identical means to those deemed clandestine can be legalized, and that does not change a bit their intrinsic moral content. The worst crimes occur under the umbrella of a law, a custom, or a spurious social conscience. What should one choose for oneself, a fair summary trial or a vitiated one at the courthouse? Clandestine support for an established regime does not mean illegitimate struggle, only struggle outside the usual ways and means of applying justice and maintaining the social order. Such has been the historic reason for anti-subversive action in El Salvador, applying guerrilla strategy and tactics if you will, but not terrorist in its foundation. When the cause is legitimate, only those who commit wrongdoing in its name are to be condemned; when it is illegitimate, on the other hand, all actions taken in its name are invalid to the core.

Today it is enough that *the people* feel exploited, or that social malcontents propose violent revolution, for *oligarchs* to become targets of confiscating reforms; and almost no one protests or is concerned when that happens, because property is not deemed a human right and social justice is assumed to have been served. Thus, the few who find such action repugnant silence their own consciences or lower their heads in resignation, as if nothing could be done because such targets are a minority. The truth is that since the evil caused by such reforms belongs in the moral and not in the sensible sphere, whatever good thereby derived enters in conflict with the third principle of nomocratic right. And when *oligarchs* are forced to use what they have on hand in order to defend life and property, that causes widespread consternation, and they are called ultrarightist assassins. Something is very wrong here. Soon nobody will dare to take up arms against the communist guerrillas only to end up in jail for *violating human rights*. With all that in mind, it is imperative that we recognize peoples like the Salvadoran the legitimate and unequivocal right to defend themselves. We cannot go on assuming that the only terrorists in this world are the ones who attack the defenseless nationals of the great Western democracies.

But, in the face of ever more open terrorist aggression against the latter, there is hope that an understanding of the phenomenon is emerging in the West. All those who have been unable to act are being given the opportunity to support the allies in any way which proves praxical. When freedom is at stake, what matters is moral legitimacy, not legality. Undercover actions are not in agreement nor in conflict with the principles of practical reason. As they do not bear moral contents themselves, they cannot be deemed illegitimate *a priori*. Most liberals are showing their character and their honor in these circumstances. They now need to recognize the same character and honor in peoples such as mine, who have had to resort to extreme actions in order to avoid falling into slavery. In my country, the very same people the guerrillas claim to be fighting for have rejected them, repelled by their modus operandi and even ashamed they ever trusted them. We can never emphasize these realities too much, so that the legacy of the sacrifice made by the Salvadoran people is not forgotten.

This may be the adequate place to say something about the case of the Iran-contra connection, which is still being improperly used to discredit certain patriotic attitudes, even charging that they encourage the terrorism we are trying to eliminate. If we examine the matter thoroughly, taking for granted that the outcome was as planned, we will realize that such charges are exaggerated. I understand the concern that the arms got by Iran might have ended up in the wrong hands. But it is clear that any country, if so it wishes, has more than enough resources to prepare terrorists—whose shock troops are small in numbers—without any need of arms extra like those mentioned. Besides, the weapons got by Iran were clearly destined to be used against Iraq.⁷ I also understand the feelings of many against negotiating with regimes that might not seek a rapprochement with the US. But if things are managed properly, this impasse should prove temporary. In any case, if we oppose exchanging arms for hostages, let us be consistent and reject all negotiation with their captors. When it comes to paying ransom, there is no difference between money and weapons. And if the aim is to check terrorism, there is a lack of consistency and vision in some who reacted with consternation at the above negotiations but also favored rapprochement with and substantial assistance for the Sandinistas, who would not hesitate to encourage terrorist action against the US if they felt strong enough and the time was right.

If liberals wish to avoid unhealthy influences and maintain independence in their criteria, they must learn that friends and enemies are recognized above all by their daily conduct, and not in any other way. Enemy is he who recites communist slogans and sings tainted songs of *revolution*, who rejoices in our misfortune and backs those who attack us without provocation. Friend is he who is gladdened by our prosperity, and supports us at difficult moments out sheer ideological motivation. Terrorism is not exhausted in purposeful violent actions against the innocents, nor in the coercive measures taken by a dictator. Its prototype today is the destruction of the national patrimony, the instigation of class hatred, and the threat against the right to property by the communists. This is, by now, taking place mainly in the Third World against peoples allied with the US. But the final objective is the US, since still constitutes the

main support for individual freedoms. Other aspects of terrorism involve special international issues, or the perception of threats against cultural values, which, although they do not justify any aggression against the innocents, deserve special approach, and a careful assessment of what measure of truth may be in such perception. Communism, on the contrary, being an anti-natural system, entails a systematic violation of human rights. Many communists have become aware of that. But if Communism triumph everywhere, the tendency will be to implement its ultimate core, and then it will enslave and terrorize the entire mankind.

Virtues may provoke greater hatred than faults: the envious and the communists hate the US for its achievements, not so much for the mistakes of the past. If past mistakes served as an excuse, everyone would be at war with everyone else. But old generations are followed by new, and that opens the way for a new understanding between peoples. Unfortunately, that can only take place with men who have not become rotten to the core, not with the social malcontents, because the slightest achievement by anyone, no matter who it may be, will provoke their hatred. I can understand that many who choose to trust in men may find it hard to believe such hardcore hatred, but that is the reality, and it is useless to blind ourselves to it.

It is essential to understand that the US is not abusing its power over weak adversaries, as in the case of Nicaragua, for example; it is supporting its friends, who are militarily weaker than the Sandinistas. We must not forget that in a hypothetical war against the latter, the military might of the US could not be as readily used as in a direct confrontation with another super power. There is no place, then, for guilt feelings, since winning the war is not an absolute certainty.

The fundamentalist movement

Democracies today are truly threatened by external agents. The ideological struggle can be of benefit mainly on the internal front, but in the face of external aggression, peace can only be guaranteed by remaining strong.⁸ Men of true faith mean to achieve the survival of the system of freedom combatively if necessary, and one of their means is the movement

Peace Through Strength—see note six in chapter eight of part two—teeming with fundamentalist spirit.

If there is one word which best describes genuine conservatives, that word is fundamentalism. Some conservatives merely hold archaic ideas; others hold on to a comfortable or even unjust status quo. Most of them, however, are for standing up to the challenge, not necessarily for resorting to violent means. If Reagan had decided to declare war on the Soviet Union, everyone would have opposed that move, and rightly so. It is another thing to join the battle in other fields. Fundamentalism is not used here as in current literature, but in the most critical sense of *archetype-elicited* defense against alienation or deculturization, thus including patriotism, but not chauvinism or racism. Liberal thought does not have to be unrelated to it. But I must focus here on what is a cause of concern for the interests of the empire. The liberal wing has dominated the Democratic Party since the Vietnam war, dominance which has translated into certain platforms in past Democratic conventions. These platforms are usually based on a left-wing capitalist mentality, thus reflecting an ideology which, although it has its good points on domestic policy, is losing ground within the Party because it implies increasing the size of the state. In truth, however, some sectors of the Democratic Party are closer to nomocratic principles than some Republican ones. And certainly one of the most admirable characteristics and one worthy of imitating from liberals is their compassion and concern for the needy.

To a degree, the Republican Party has been influenced by the new conservatives, in contrast with those Ayn Rand criticized as reluctant to openly defend capitalism. This resulted in the enormous change we observed in their electoral conventions: they reaffirmed their faith in inherited values and in the American way of life. No apologizing for greatness and wealth, but pride, faith and a fighting spirit instead! That is what fundamentalism brings. Fundamentalism shows different nuances according to the culture and the times. But being a disposition attuned to the trans-generational pool of values, it will strive for their praxical expression in the present, thus constituting a bulwark against anti-values such as *the new rights*. This is what Machiavelli must have meant when he

said that the honor of a new prince was based above all on the creation of new and worthwhile institutions to replace the old and worthless ones.⁹

An ideological realignment, already evident in millions of Democrats, is much more important than one in convention platforms for the purpose of countering certain policies of the liberal establishment or of other groups of incomplete capitalist ideology. Unfortunately, not everything is one-sided: fundamentalist feelings are subject to a series of self-repressions, and are not being manifested to the maximum praxical extent. There is an abundance of hesitant moves, which conservatives may support, such as the Central American peace plan, and things are not as clearly defined as they should be. Thus, when fundamentalists manage to influence the decisions on foreign policy, all they are able to do is maintain a precarious balance; they neither define nor triumph. As a result, their achievements are easily reversible: a simple budgetary cut destroys everything that had been previously achieved. But when an ally falls, there is no simple way to reverse that mistake.

There is also pressure from powerful economic interests, leading to the adoption of murky policies which cannot produce lasting benefits, such as those which finance the enemy. Confronting all the above mentioned, conservatives have before them the task of setting aside once and for all that middle-of-the-road spirit which Hesse categorized as *bourgeois*. Already we are observing how very few Socialist governments support the US as they should, as their criticism of the North American bombing raid on Libyan terrorists bases showed. Again, I am not judging such action right or wrong. In order to do that, I would need to be knowledgeable about the facts involved. My concern is the general attitude towards the US, despite that the facts involved in the communist aggression should be clear to everyone. It is not only that commercial and diplomatic considerations influence such attitudes. It is that socialists (and non-fundamentalists in general), even at this stage of the game, have not totally defined themselves ideologically on the side of freedom. Their support can be expected above all when their own security is threatened, but their attitude in other circumstances is unpredictable. The backing Sandinista Nicaragua used to receive from the French political leadership

was a clear example of ideological ambiguity, since considerations of diplomacy are a poor excuse for giving aid and comfort to the enemy at this important crossroads for humanity.

Because of all that, the goal and irrevocable determination of fundamentalists must be to promote the nomocratic doctrine as completely and expeditiously as possible, in their own countries and in those of their allies, and to defend it from aggression with unwavering commitment. Lesser problems can be solved by lesser means. Only great, even *extremist*, means can solve great problems. The words of the abovementioned conservative senator are food for thought. A danger of fundamentalism is the dismissal of the less evolved forms of the praxical spectra, leading to fanaticism and intolerance. Close-mindedness, however, does not seem to be a characteristic of nomocratic capitalists but of *laissezfaireists*. Thus, whatever the inevitable human failings, they constitute the only viable option at this crucial moment.

Manipulating opinion

I would like to digress here in order to touch on a disquieting phenomenon afflicting the West which has its origin in all of the factors we have been discussing in previous chapters. Ideological alignment with the communists does not necessarily signify betrayal of the fatherland, but rather a new ideological loyalty, although it does betray the cause of man. A communist who supports the installation of regimes of his liking throughout the world may want his ideology to triumph in his country, but he will not tolerate subjection. Communist China is an example. It would be difficult to judge his position in the great Western Democracies because from what we are able to see, a communist revolution from the inside in those countries is not conceivable, at least not now. Most of those who favor the rise of the Soviet Union to the first rank, and its triumph, at the risk of the subjection are not really communists, but victims of the assault on faith. There are—partly due to an idiosyncratic order of priorities, as we have said—also mercenaries and support personnel fighting alongside the communists in various countries, intent on destabilizing allied governments. The bulk of aid to the Salvadoran

guerrillas today comes, so it is said, from the United States itself. However, only those who concretely struggle for the downfall of their country can be considered disloyal.

It escapes no one that communist agents are at work in the West, and not only as spies in search of military secrets. They have infiltrated the clergy, the press, pacifist groups and others, often leading front organizations. Of course, liberals do not necessarily participate in such groups, although they may do so unaware and out of their desire to modify the established value system. The situation in the press and in related activities is generally the result of what news sells more papers. But when an article appears which is contrary to the interest of democracy, the person guilty of treason may not be so much the writer, who is usually a product of the confusion of Western man, as whoever subtly influences him to create such ideas by means of all the pressure and disinformation prevalent in the environment.

The oppressive regime which existed in El Salvador has been replaced. What remains is a regime opposed to communism. This is the only reason the guerrillas continue their struggle. They are not accused of terrorism, however, and are instead labeled neutrally as forces opposing the established regime. When the war started, every death in El Salvador was blamed on the regime, which was accused of massacring the people. When it became clear that the evidence did not support that accusation, more sophisticated attitudes were adopted, but always favoring the rise to power of the insurgency. Attempts are made to convince the unwary that the war has not been won because the people support the guerrillas. Nothing could be more false: the war has not been won because the guerrilla forces are not made up of unarmed rabbits, and because of the existence of vested interests. But this is precisely an effort to polarize the opinion of the democratic peoples of the world against anti-communist aid—since no one wants to be accused of fighting against the people—by means of the creation of this kind of disinformation.¹⁰

A favorite maneuver consists in decharacterizing a social group, such as entrepreneurs. In an overly familiar tactic, phrases and adjectives are used to describe it which carry rather negative connotations. It is enough to write that the

fascist group wants this or that, or that rightist X Party members, sometimes even the *well-dressed people*, hold a particular opinion or defend this or that policy, for the reader or the TV-viewer to deny the above the least semblance of credibility. Intelligent use is made of the entire platform of disinformation created over the years, so that the mere mention of the word “right” creates a hostile attitude and a feeling of repudiation toward whatever that word is used to describe, because in many circles it has come to represent exploitative or unpopular attitudes.¹¹

The presentation of certain events, such as interviews with terrorists, may attempt to provide impartial information. But it can be taken advantage of by making terrorists popular, and even getting them to be accepted. If the news reached a truly mature public, things would be different. When war action is reported, on the other hand, coverage of the anti-communist one is extremely detailed—with the aim, at least in some, of discovering and exaggerating the slightest violation of human rights—as detailed as the opposite is sparse, although reporters may have difficulty in covering pro-communist war actions. It is cause for suspicion that the death of one percent of the Salvadoran population during seven years of war—exaggeratedly blamed on the anti-communist forces—has received infinitely greater attention than the genocide of maybe up to a third of the Cambodian population at the hands of the communists.

The information media are responsible for understating and dismissing atrocities which have been undoubtedly the most painful humanity has suffered in this century. Thus we find that Castro and other communist tyrants are today welcomed with open arms, while *fascists* cannot even find an outstretched hand. Their triumphs at the polls are discredited and matter of alarm and concern—the regime thereby arising being subject to the closest scrutiny—while those of the communists are deemed an acceptable result within a constitutional framework of life, one which has to be defended, no matter what, through all forms of international pressure. Some journalists with liberal attitudes, or perhaps the victims of disinformation themselves, seem to simply run with the flow in bringing to the attention of the public (in extensive

detail) everything that is supposedly wrong with Western culture. Thus is the national or cultural guilt complex manifested in the press. Others have the mission of instilling discouragement in those who at bottom support aid to the allies. If what they write were true, the Salvadoran army would have been defeated long ago.¹² All of this is, in all probability, planned by internationalists—I do not at all believe that these constitute a substantial number—or by those hungry for sensationalism. But it is high time a fundamentalist and honest press—which exists, but has few readers—came into the scene.

Things have reached such a point that nothing the press publishes can be trusted. The Western press of the liberal left is capable of pressuring governments into attitudes which harm our allies. On top of that, left-wing artists and intellectuals provide the emotional and the ideological support to the news. Those who still dream of romantic revolutions may be forgiven, especially in their pure expressions of poetic sensitivity; but there is a situation where the right to freedom of expression is a conditional one, and the state has the right to regulate it if it is being abused. This happens when the targets of slander and libel are defenseless against a huge propaganda and when no legal suits are feasible. The various opinions which may arise in respect to a situation must be respected as long as an ad hoc code of ethics is followed regarding the content of information. A yellow or bought press, disseminating ill-intentioned, grossly distorted, defamatory news, merits, if not censure, at least being obliged to grant free space on printed matter and time on air to allow the accused to defend themselves.

In addition, certain counter-racist sentiments are being channeled in this direction, although the phenomenon has remained limited in its occurrence because ethnic minorities understand that the best way of achieving their just demands is through democratic capitalism. We can expect little from those who burn their national flag and raise that of the enemy; I hope that may simply reveal a loss of faith in what is theirs. It is interesting to note that militant treason is seemingly more common in western Europe than in the US; anti-US sentiment has certainly been influential in this regard.

The North American liberal of the left has certain prejudices against capitalism—probably generalizing from mercantile capitalism—but at high political levels he is usually a staunch patriotic, anti-communist, and at bottom devoted to the authentic libertarian principles. To me, many of them suffer from the pseudo-conviction syndrome I mentioned, something his enemies are taking advantage of. Refusing to recognize the imperial destiny of the US, for example, leads to attitudes contrary to the legitimate defense of interests held in common with its allies. We seem, however, to be witnessing a new beginning: increasing responsibility of conscience on all levels, among journalists, novelists, artists, men of letters, students and others. So much so that we will presently be able to recognize it clearly as the rebirth of the fundamentalist elan of the founding fathers. Those who truly fight for human rights trust in that new beginning.

Notes

¹Given its wavering policies, no one should be surprised at the frustration and discouragement experienced by US allies, above all when the economic assistance they receive is granted reluctantly. Allies therefore rightly envision the worst: no direct combative support would be forthcoming if full support were ever needed. And while it is not being presently requested, the door must always be open to that possibility. Machiavelli already said it: he who is not your friend will always ask you to remain neutral, and he who is will always ask you to declare yourself firmly on his side, weapon in hand (from *El principe*, p.170. Editorial Bruguera, S. A., Barcelona 1978).

²Perhaps the greatest mistake that could be attributed to President Reagan was his continued support of President Duarte and his party. *Washington's instant socialism in El Salvador* (as Virginia Prewett correctly describes it in a Council for Inter-American Security publication) institutionalized corruption, both civilian and military, taking it to previously unforeseen heights. It also diminished productivity, and brought about widespread poverty.

We cannot enter here into a detailed analysis of the most recent Salvadoran elections, but it is clear that the US policy of support for the PDC (Christian Democratic Party) has suffered massive rejection. This is not to say that there was not sufficient justification for the previous elections, since the goal was to express a general repudiation of the previous oligarchic regime and of the guerrillas. But I also believe that ARENA (Nationalist Republican Alliance) had another no less important, even preferable, source of legitimacy for directing the destinies of the country in its determined pro-libertarian and anti-communist stand. Today, in a gesture of the greatest nobility and enormous historic import, a majority impossible to dismiss favors the same ARENA Party which the international media have branded

as the party of rich, ultrarightist oligarchs. In such cases, the will of the majority cannot be contended because it proposes a return to a valid rule of law, so it may justly be considered as representative of the will of the people. It is now or never that the US may begin to rectify the problems brought about by its atrocious foreign policy in the face of the communist challenge, and the greatest responsibility falls on the laps of President Bush and conservative lawmakers. If, for whatever reason, Congress and the administration have had their hands tied, they have now been rid of all constraints: the Salvadoran people have placed a great weapon at their disposal with which they can confront the liberal left on all levels (politics, the media, and academia). And liberal left-wing intellectuals have been given a great lesson in ideological responsibility and in faith and in inherited values.

³Nixon, R. M., *La verdadera guerra*. Editorial Planeta, Barcelona 1980. Nixon goes beyond assuming aggression merely in function of the socio-political system. He delves into the Russian appetite for conquest which has been evident for some time. He might overgeneralize, but this study is quite illustrative of how a cultural trait may shape ideological praxis.

⁴In *El error de occidente* (Editorial Planeta, Barcelona 1982) and other works, Solzhenitsyn makes clear that World War III is already upon us, and that attempting to ignore that reality serves no purpose. And in *Alerta a occidente* (p.310. Editorial Acervo, Barcelona 1978) he speaks, among other things, of the youth who refused to tolerate the fears and discomforts of the faraway conflict in Vietnam. It may happen, he says, that long before they are too old for military service, it will be them and not their children who will fall defending America in their own land, although it will be too late and for naught.

⁵Here I would like to recommend an article written by the former Israeli ambassador to the UN, Benyamin Netanyahu,* although only as a general information about the actual phenomenon of the terrorism. Thus, I do not pretend to exclude from the latter certain actions committed by Israel or justify all the policies of the Western countries, nor to generalize against certain human groups.

To the author, anarchist terrorists seem to have little to do with the present terrorist wave, which would have to principal sources: Soviet Communism and Islamic radicalism. The latter, although doctrinally opposed to communism, could collaborate with it in order to intimidate Western democracies. The only way to check this danger, he avers, is to face it with an unbending will, refusing to negotiate with terrorists. Taking such an attitude may certainly condemn some hostages to death, but it may also save many even before they are taken hostage, because kidnappers will have no expectations of gain through ransom negotiations. He is also concerned with the possibility that the terrorists gain access to powerful (even nuclear) weapons. In the face of all this, Netanyahu also recommends economic sanctions against countries which support terrorist organizations, as to make the survival of both difficult. He is right on this last point, but we must keep in mind that economic sanctions also hurt innocent people, and that in certain cases they may be used as a terrorist weapon. Here are also involved complex issues of international relations, which can be satisfactorily and justly worked out only through mutual understanding and concessions.

Now, irregular violent actions can be legitimate or illegitimate, but terrorist only when target the innocent or are indiscriminate. This considerations applies to Arab radicalism but not to Cuba, whose actions against the

**Time Magazine*, pp. 48-52, April 14th, 1986.

US allies are always illegitimate since their aim is to expand Communism. For this very reason, as they pose the threat of installing a totalitarian system, they also possess a terrorist core. In regard to Iran Islamic fundamentalism, although it is difficult to say up to what point, it seems clear that the regime backs terrorism. At least, it cannot be expected to fight terrorism given that has become an enemy of the US. My impression is that if an ally substitute of the Shah had been promoted to power in the way I have stated, the situation would be different through a wider alliance with the Iranian people.

⁶In fact, the actions of *the right* cannot be called repressive, as they were not ultimately intended to maintain the existing regime, nor part of it. They were really independent acts of war and of resistance against the communist assault.

⁷The case of the Iran-*contra* connection is of a sensitive nature because there are two opposite considerations, each with merit: on the one hand, the fundamental principle of the defense of freedom and of those who fight for it, and on the other, the respect for the rule of law on which all social order rests. We may say that by denying aid to the *contras*, communist consolidation and expansion in Central America was in grave danger of becoming a reality. The problem is in determining how imminent that danger was. Because even though the principle which motivated aid to the *contras* was most fundamental, and more important in the long run than any other thing for the national security, violating the law—I must assume that occurred in order to have a basis for discussion—above all in this special situation in which express orders (by a branch of the government) are disregarded, can only be conceived when the source of power has become illegitimate.

It must be clear that I do not intend here to give a definitive opinion on all the motivations involved in this situation, much less to elucidate whether such operation was a success or a failure from the military viewpoint. This is something on which even the opinion of the experts is merely provisional. What I want is to discern an ideological picture through the facts in the way they appear to us as common newspaper readers. Thus, I believe that we can say that the abovementioned action was carried out not only with the best of intentions, but for powerful ideological reasons as well. Although I understand the annoyance of some legislators, I fail to comprehend the insolent, unpatriotic attitudes of some journalists. It is undeniable that the people have a right to be informed, but they have a greater right to be protected, and some day they may have to call heroes people they judge too severely today. No decisions were made that could not be changed when it became appropriate to do so, as when assistance was finally granted to the anti-Sandinistas. I do not advocate resorting to covert actions at will, but neither have funds been diverted from the budget. Given all of the above, I believe the solution to the internal problem must contain a large dose of understanding. Above all, I believe that such a solution must be separate from other aspects of the situation in order to prevent the enemy from taking advantage of it. This problem should not serve as a means of discrediting true patriots, but rather as an object lesson in understanding the difficulties encountered in helping our allies, and as a rallying point for faithful adherence to a fundamentalist libertarian vocation. There is no reason whatsoever to deny aid to those who are fighting communism in Nicaragua; that would some day be judged as a sorry episode in history. Should embezzlement or other such things (which belong in a different category) come to light, they could be corrected in a different manner. Anti-Sandinistas are in no position to reject aid, and have no reason to investigate (or the means to ascertain) its origin.

⁸When Reagan came to power, the North American empire started again to consolidate, and this time, at least apparently, with the sincere desire of helping allied peoples without compromising their sovereignty. Ronald Reagan seems to be a man of peace, but he meant to procure it from a position of strength and fundamentalism. That policy provokes opposition because the new anti-concepts equal conciliation with ideological fusion. It had been a long time since anybody in the US referred to the fatherland as *this blessed land*, a long time since a president spoke of God as he did, or showed such firm belief in inherited values and such great respect for ancestors. When the former president visited Communist China, he proclaimed his faith in the capitalist system firmly and openly. But the squeamish and sanctimonious almost fainted, and criticized Reagan for preaching to a people with an ancient tradition. What of it? Did their ancient tradition preclude them from changing their ways in this century? Or was Marx perhaps Chinese? What Reagan proposed to them was nothing less than the oldest way of life in the world, the way of natural law, and it seems that the Chinese were more receptive than the think tanks of the left. He revitalized North American combative spirit, prompted the Soviet downfall, brought faith and hope, as there was every right to expect from a leader. He promoted a new political alignment with the cause of freedom, with healthy nationalism and with fundamentalist patriotism, and he proclaimed that we must accept our inheritance with pride, not with shame. Man can live without faith in God, but not without faith in himself. Later, his actions apparently contradicted much of what he preached. Perhaps he was not entirely consistent with respect to some allies. But once his main geopolitical goal had been reached, wisdom seems to have indicated to him that the time for diplomacy had also come.

⁹Machiavelli, N. (see note one). Machiavelli is the political advisor par excellence, but it is a misconception that his advice is intended to deceive or to create a false image of the ruler. Actually, his is a masterly praxical mix of intrigue and politics. Only today, when so many pride themselves in their total ignorance of the subject, do the actions of the true leaders and defenders of the most authentic principles of their peoples go unrecognized.

It may be worth to add in passing that fundamentalists tend to believe that politics and religion are inseparable, and they are absolutely right, because in the proper context—as we have discussed when we talked of the laws of God and the laws of man—ethics and religion certainly are inseparable. Fundamentalists do not promote the establishment of a state religion, urge priests to get into politics, or propose a union between church and state. They speak of principles. In its most pristine sense, politics is the way of putting into legal action the ethical principles of a group. They are the foundation of politics, the same principles which some consider the foundation of religion and others see as arising from it. In either case, the bond with politics is indestructible.

¹⁰ Let us see a specific example of how this occurs: Imagine a woman walking to a nearby river, carrying a pitcher to be filled with water for her children to drink. Suddenly... boom! Shots ring out as armed men come from behind the bushes and riddle her with bullets. The scene is set to awaken feeling of compassion for the poor woman, and it goes without saying that the regime will be blamed for her death. It is never made clear why the unfortunate woman was killed. She could have made personal enemies, for instance, or have been murdered by the communists for collaboration, or

suspicion of collaboration, with the regular army. Finally, she could have been executed by anti-communist commandos for involvement, or suspicion of involvement, in terrorist activities. Nothing is explained. What matters is that the reader or viewer form a mental image of the death of an innocent person, and that the former become psychologically (unconsciously) predisposed against all economic or military aid to that regime. The unwary newsman must avoid being used in such a way when he is sent to cover such events *objectively* and *professionally*. It is time that the reader wondered seriously what is afoot.

¹¹ARENA, a pro-capitalist Salvadoran party has been so labeled and sold to the democratic public everywhere. Ultra-rightists—actually, Mafiosi or mere despots—militate less notoriously in ARENA than in many *popular parties*. And let us remember that the core of fascist ideology is the concept of a supreme state, and that if something characterizes ARENA it is precisely its express determination to maintain individual freedoms intact.* Also, pictures of comfortable homes are published side by side with pictures of ramshackle huts, and the rich are blamed for the disparity. The existence of disparity is not in itself reason to point the finger of blame, but this is how the press attempts to sway public opinion into the belief that North American policy on Central America is mistaken in that it helps to perpetuate such disparity.

¹²When a guerrilla attack killed more than a hundred soldiers in Chalatenango, a city northeast of San Salvador, the alienating press spread the word that as far as the regular army was concerned the battle was lost. It has been reporting that way for years, as if a hundred casualties could bring about the defeat of an army of forty thousand!

*I must make clear, however, that later ARENA ruined all that it had previously fought for. Corruption (and cliques) reached such an extreme under the umbrella of the party, that perhaps only a sort of direct democracy could put an end to it, meanwhile another party supporting real nomocratic principles arises.

CHAPTER V

PACIFISTS

Pacifists constitute one of the most important movements in the West, especially in Western Europe. The term “subculture”, as appears in the first edition, is inappropriate and must be rectified. The message, of course, remains the same, particularly in that it is good to see men as they are, not as they should be, especially when we have sworn enemies. And while Reverend Jesse Jackson *opens* his mind, the communists conquer another country. In truth, Jackson has only a sort of thirdworldist disposition of mind; but the communists support his peace offensives because they make good use of them as propaganda.

There is, in fact, a type of pacifist, the true pacifist,¹ who is the only one to value peace in its proper dimension. We speak here of the humanistic dimension—the religious one has been previously discussed, and it refers to certain spiritual attitudes rather than to peace itself formally considered.² The humanistic one, which is our main concern here, is centered in its respect for right, including rights we have yet to mention: the right to be treated with respect and dignity, the inviolability of personal integrity, freedom from harassment, the right to privacy, and many others, which bring about peace. Peace, then, is not properly a right or a constitutive-legal demand of a people; it is an outcome. The common pacifist takes peace to be a formal demand to which he assigns moral priority. The true pacifist procures it by making prevail a nomocratic framework of right. In opposition to his counterpart, therefore, he never accepts the peace

which results from accommodating or submitting, if such a thing can be called peace.

Of weapons and war

The warrior must prepare for war just like the judge must prepare to apply the law and the physician to combat disease. If the army were not constantly preparing to wage and win war, it would be better to dispense with it. Just like every professional, the army must have the best tools, in this case weapons. Ideally, science must not be selfish, and must contribute to universal progress and peace. But there are times when it must contribute to safeguard higher values. And the harsh reality is that the scientists of the Soviet Union will never be masters of their fate, and will be forced or persuaded to work for the destruction of the West. That is why Western scientists must put the best of their intelligence to work for the development of more effective offensive and defensive weapons in order to win any possible war. It is true that weapon stockpiling is often the result of fear, and that fear or distrust should not exist in an ideal situation, but this is not an ideal situation. Fear may be the worst enemy of man for his spiritual development, but it is also his best defense for survival. Without it, we would become foolhardy, or put our trust in those who did not warrant it. The saint and the wise man may lose that defense in their path to perfection, but they gain wisdom and prudence in the process.

It is worth mentioning that we normally use the terms innocent and non-combatant indistinctly, when a clear-cut distinction is warranted in many cases. A defender of freedom, for example, may in some cases become an active combatant and remain innocent of what may happen. Equally, some who hold no weapons in their hands deserve to be labeled combatants and are more culpable than the soldiers themselves. Before continuing, I must make clear that if I speak of enemies it is simply because there are those who have proclaimed themselves as such. Western countries, on the contrary, have stretched too much their hand to communist regimes. There is no substitute for weapons when war knocks on the door. Can roads and railways provide strength? They can to some extent,

just like all material infrastructure. Throughout history, however, more prosperous countries have fallen victims to aggression from rivals with relatively better armies. If weapons are neglected, roads and railways may serve only to transport the communists in a not too distant future.

The matter of nuclear weapons is a delicate and multifaceted one. On the one hand, a nuclear freeze or disarmament can only be acceptable if the democracies are not left with an inferiority of conventional weapons, or with an unbalanceable numerical inferiority of men at arms. On the other hand, if that is the situation, and nuclear weapons can compensate for such inferiority, then they constitute a morally valid and necessary resource. Throughout history, smaller armies and weaker peoples have been able to defeat more powerful ones by virtue of having, among other things, better weapons. Most experts agree that the Soviet Union today is superior in conventional forces to the US, which I believe is difficult to estimate. Superior technology might tilt the balance toward the latter. In any case, new weapon systems are more than justified because enemy strength and resources are not accurately known. It is reasonable to make the best shields and swords because we cannot be sure how deft the enemy is until we meet him on the field of battle.³ In a conventional war, the regular armies of Western Europe would be defenseless before the armies of the Soviet Union and the Warsaw Pact. With nuclear weapons in both their arsenals, differences are less clear-cut; numerical superiority and other factors are not as crucial. Thus, nuclear arms help maintain a balance, and may have in fact preserved the peace in Europe to this moment.

War and weapons are as ethical as the cause they defend. Base means, however, may diminish the validity of any cause, or rather, the credibility of those who fight for it. And if everyone seeks the best means of defeating the enemy, the time may come when everyone will possess a nuclear arsenal, and nuclear wars will become conventional. When we are attacked with stones (intent on killing us), whether we respond in kind, or with poison or bombs, does not alter by itself the ethical judgment. But the use of nuclear weapons is not justified against those who have no defense against them, and who can be defeated in some other way without suffering great losses,

because they wreak havoc on the civilian population and cause unnecessary deaths among soldiers who merely obey orders. The most undesirable aspect of nuclear arms, and the greatest objection to them, lies in the potential for mass destruction and ecological damage which would affect those who have no part in the conflict. We should consider, however, that a situation may arise where everyone must assume combative responsibility or at least share in the sacrifice. The above considerations were not important in the past, because other than the siege of cities, where innocents perished, battlefields were usually far from civilian population centers, and the conflict was resolved between armies. Unfortunately, that is no longer true today, and military objectives are usually located near large population centers, so a nuclear war would unavoidably bring about the death of a substantial number of non-combatants. That is why we can only wage such a war in the most extreme of circumstances, where the externalities caused by it may perhaps remain at the sensible level and may be deemed praxical. This situation poses the most difficult test to the third principle of nomocratic right, since, obviously, we cannot make amends to the dead. We can, however, make reparations to the survivors. The sacrifice of innocents would then be a matter of fate, to be judged only by God.

If another tool could be found that proved as effective at dissuasion and protection, and did not imply such dire consequences, nuclear arms should be destroyed. It is difficult to weigh the pros and cons, but it would appear that these weapons constitute a lasting reality, since considerations of military strategy and national security make a zero option only remotely acceptable. This is the reality we must consider. Nuclear weapons are not anti-ethical in themselves, if the goal is to use them with the greatest possible specificity with no intent of harming non-combatants, as a last-instance praxis, and for legitimate purposes. Intention is here of capital importance. With that in mind, nuclear weapons could be used for the purpose of bringing war to an end, if its continuation by conventional means entailed a greater suffering and an unpredictable final outcome. Unnecessary actions which do not contribute to bring war to an end, and do not achieve strategic or tactical victories on the battlefield, but are rather intended to

hurt morale and are expressions of hatred and contempt for life and human rights, are above all anti-ethical. In truth, it is war, rather than any particular type of weapons, which must always be a measure of last resort. The human mind is the most powerful weapon there is, and the military uses of the wheel, although less impressive and fast-working, are infinitely more destructive than the nuclear option if such is the intent. Without the wheel, it would not be as easy to transport troops, attack remote peoples, or retain and guard occupied territories. If our overriding goal were to prevent men from killing one another, abolishing nuclear arms might not be as effective as abolishing the wheel.

It is a thousand times worse, from the perspective of the pure moral act, to kill a single person for mean gains than to destroy an entire army intent on enslaving us. As catastrophic as a Third World War might be, the next generation would accept a world enslaved even less readily than a world destroyed. And what is preferable, instantaneous death in a nuclear war, or execution as an enemy of humanity by mere virtue of pursuing one's own happiness? Because losing a war against the communist enemy will mean millions of innocents lined up against the wall. To be sure, the suffering will be much worse than any scene in the movie intended to depict the aftermath of nuclear destruction, *The Day After*.

The great difference between wars and individual conflicts is that in the former there is no judge to resolve the conflict, and we must administer justice by our own hands. While not in itself illegitimate, this has been proscribed in internal matters because it has resulted in undesirable consequences. But from the ethical perspective, there is little difference between the internal administration of justice and a legitimate act of war. Here, thus, the contents of right must be extrapolated to a higher dimension, where the sensible evil caused on one side is transcended in a praxical synthesis represented in the triumph of the good cause. Now then, if those convinced that they are following the right path envision peace as the final outcome, violence in the attempt to prevent the imposition of what in their view is an anti-natural path will seem reasonable to them. And in the face of this harsh reality, peace must be guaranteed through strength of arms and of spirit. For a

peace agreement, mutual respect is necessary. All that is needed for war is the greed, the hatred or the envy of one side. War can be unilaterally imposed. Not so peace.

Over the long term, the only way in which rapprochement is achieved is by maintaining, not a hostile or aggressive stance, but an attitude of honor and strength. If we and our children must die for a just cause, we must resign ourselves to face that fact with courage. What is important is that those who survive lead the world to a final victory. The policy of bread rather than weapons is viable when there is peace, when there are no enemies, when man has learned to respect the rights of others. If bread is not defended with weapons, there will be neither bread nor peace. Had the Greeks not heeded Themistocles, who enjoined them to prepare for war, the Persians would have enslaved Athens. Aristides was ostracized because he preached submission and risked enslavement. There is a time to dance, and a time to grow fat, and there is also a time to fight.

War is the most extreme circumstance man can ever face; no wonder it provokes opposing feelings and arguments. We lament man killing man, but under certain circumstances we see it as a duty. We consider war a disgrace, but we praise the warriors who bring justice. I think it is possible to conciliate all those conflicting dispositions and accept war as a necessary evil, yet in the sensible not in the moral context. Actually, we never glorify war itself, or praise the taking of lives by the hands of man. What we exalt and revere is the cause and defense of our values and ideals. But taking war as an end in itself, only indicates a sheer retrogression to animality. Reintroducing the religious context into these matters, the strength of the rationale behind the eschatological promise of peace is undeniable, and yet God never berated His chosen people for rejoicing at their victories in battle. There are those who are ready to die for what they believe in, and those whose beliefs crumble when faced with the possibility of death. We must pray for an honorable peace, and that we never come to war, but if all we get by avoiding war is a lost opportunity for gaining permanent peace, then we must pray for the courage and determination to march to battle. The most noble prayer is the one that precedes combat.

Thus, the true pacifist prays for peace but sharpens his sword. He prays for his children who are about to die, but wants them on the battlefield when the motherland is at risk. The pacifist to the death prays for peace and for his children to live, but risks bequeathing to them life under the yoke of a master. Enticed by an absolute praxis, the pacifist neglects that of the moment, that is, orthopraxis. Although at the end of time the lamb will transcend the lion, both will come to shake hands.

Pacifists claim the US has confirmed their fears by getting involved in Central America. If they had the integrity to fight for liberty, such involvement would have confirmed their hopes. Pacifists neither pray nor protest against communist aggression. The Holy Father put it well when he said that the true peacemaker not only seeks peace, but fights its enemies as well. Our task is to gain wisdom so that we can tell where the enemies of peace really are. Some say that war can only be justified if it is the defense of God. True and honorable pacifists stand precisely for everything that God has given man: freedom, property, faith, family. Where are faith and inherited values more at risk, under capitalism or under communism? Let us choose, then, to be on the side of God. And if we do not believe in God, let us at least choose to be on the side of nature and on the side of man.

Decadence and barbarian spirit*

The phenomenon of decadence does not refer here to the adoption of practices in conflict with conventional morality. In the sense which interests us, it refers to the loss of or disdain for certain values of the culture—patriotic sentiment, especially—and to an unwillingness to defend them, unwillingness which may even turn into open aggression against the values lost or disdained. Decadents summon their will only to fight against their own values, which puts their consciousness of duty on shaky ground. Those who reject war, but not internal legal action against individuals, overlook the key exigency to

**Editorial note:* By barbarian spirit, the author here refers to certain characteristics of barbarian and savage peoples, such as indomitable fighting spirit, iron will, courage, tenacity, and a spirit of sacrifice.

make justice and truth prevail. Since war tends to bring the basest instincts to the fore, we must seek political solutions or agreements. But these can only bear fruit if they come as a result of dialogue involving groups truly interested in peaceful coexistence although they have become distant for one reason or another. Many other times, dialogue serves only as a respite, while contenders strengthen their positions and prepare to widen the conflict.

Parallel to left-wing pacifist groups, associations have developed which count the former among their members, together with supporters of non-intervention and committees of solidarity with the oppressed peoples. Such associations number in the hundreds in the US alone, and they include sympathetic sectors of the clergy as well as groups with open Marxist inclinations. They all brandish slogans which present them as supporters of non-violent, democratic solutions, but their backing of the anti-imperialist struggle (which, according to them, characterizes such insurgent movements as those in Latin America) is always clear. We cannot expect a pacifist to lack a political stand. But we do expect them to reject any structural source of violence, and not to be just one-sided pacifists. They even reach the extreme of demanding an end to the importation of coffee from El Salvador, on the pretext that the army will then be deprived of the resources necessary to wage war and to continue massacring the people. In the tens of thousands, humble members of Salvadoran cooperatives have protested such a boycott, fully realizing that it is intended to increase misery and unemployment. Thus will *the people* triumph, represented (as far as these associations are concerned) by *the pacifists* of the FMLN.⁴

Pacifists protest every expression—artistic, literary or any other kind—tending to temper character and spirit for the defense of the Western ways, on the pretext that it represents a glorification of violence.⁵ But a fighting spirit is characteristic of peoples and civilizations on the rise, while the lack of fundamentalist will is the most important sign of decadence. Peace bought through the bourgeois proclivity for expedient halfway measures is always short-lasting, and presages a bloodier war under less favorable conditions. Violence, however, must be rational in order to be acceptable. To be the prod-

uct of the spirit rather than of the beast, which only rarely occurs, it must not supersede our interior peace. Pacifists screamed their lungs out against the killing in Southeast Asia (provoked by the US, according to them) but remained silent before the genocide that ensued. I believe and hope that today we are witnessing a revitalization of barbarian spirit in the United States of America, where decadence seemingly characterizes only a minority. Peace offensives, however, are multiplying in Western Europe, with demonstrations of truly decadent agitation and meaningless movements reflecting a terrible spiritual weakness. I hope decadents do not suffer the fate of Belshazzar and the Babylonians, who partied on in the middle of the city while their enemies were already in control of the periphery. It speaks well of civilization that finally there are organized efforts aimed at the peaceful overcoming of our differences, above all those functioning at the international level. But even (or particularly) these can be misused if we do not cultivate our discernment and our faith. Because one of its results is an unswayable fight for truth.

The conservative triumph in several elections, joined by some by-partisan courageous attitudes and actions, has demonstrated that a good part of the North American people is up to the struggle. It is lamentable, however, that such fighting spirit does not yet translate to mass dedication to praxis, as for example an organized extra-partisan fundamentalist movement. There were those who tore their Army registration cards after the Grenada invasion. Others, however, were quick to enlist. A thousand times bravo to them!⁶ This does not at all reflect an imperialist attitude or signify approval of unjustifiable warmongering policies. Of course not. It shows, rather, the concern that we cannot let freedom die. We have some great role models for that: indomitable warriors fighting against communism in Central America, Oliver North bravely defending the national interest, and the US Marine shouting *Semper fidelis!* though gravely wounded. It is time for an open and general institutional support for them. The credibility of US foreign policy would suffer only before the eyes of the demagogic diplomacy characteristic of today's world. It is also time for recognizing our mistakes and offering our helping hand; though not with a self-defeating attitude, but offering the truth as well.

So far, the existence of irreconcilable differences has been a watchword of the communists, but the time is coming when their actions against freedom will become irreconcilable with the spirit of free men. Perhaps there is still hope that a majority of the pacifists will join the struggle if they manage to get the picture. At bottom, I believe that most pacifists possess a deep understanding but also a too ingenuous soul, so they dismiss our concerns. The doctrine of non-violence was successful in India because of special circumstances, and because it could count on the dynamic support of hundreds of millions. But in other cases, where too differing views of basic values are involved, it would lead only to slavery. Maybe non-violence will eventually triumph in the world. But that is small consolation for those who will see their children and the children of their children enslaved, as Nixon well says in *The Real War*.⁷ Peaceful resistance stirs lofty souls; grosser ones disdain it.

We all want to save the earth from destruction, but not at the cost of a bigger loss: that of our culture, our faith, and our traditional values. And since we do not know how stubborn the enemy can be, we must be prepared for the worst. There is nothing objectionable in the free countries preparing to win a possible war, since they are not planning to act at will without fear of reprisal. When war comes, there is no substitute for victory. We must never forget that.

Notes

¹We can distinguish a number of types of pacifists, in full awareness that types overlap in many cases:

1) The true pacifist. This is the type of pacifist the free world needs, the one who loves peace with fundamentalist devotion. He knows that peace is better achieved through rational persuasion than through imposition. Still he fights tyrants and makes war against injustice precisely in order to achieve peace. In spirit of conciliation, he often makes concessions even when he knows that reason is on his side, but he will not allow himself to be taken to a situation where his rights are endangered.

2) The pacifist to the death. Blinded by his devotion to peace, he is incapable of defending combatively what he thinks is right because he thinks that no one is. Most of these pacifists to the death are idealists who seem to have channeled their good humanistic dispositions outside of the context of the value justice, through a unipolar (or absolute) appreciation of religious truths. I remember attending a yoga session where the speaker, Dr. B. Reyes, expressed the incredibly daring opinion that the army was only good for learning how to walk straight and pull in the stomach. His audience

responded with applause and smiles of approval, reflecting a tendency common to many Western practitioners of yoga and similar disciplines.

Others are incensed at the thought of innocents dying in a war that may never even occur. But the combativeness shown by the West is aimed at securing borders, not at waging a war of conquest. The defenders of freedom are the ones who should be incensed: their blood and that of their children covers the battlefield, while the pacifist to the death presents the white flag to the sworn enemy. Many of them are aggressive and violent against the defenders of freedom. Against the real enemy, they are as meek as lambs. The scared are among them: they have daily nightmares about the havoc of a nuclear war. In that, they are right, but not when they proclaim *Better Red than dead*. The pusillanimous, and the surrender-prone are also among them. The worst of those can be found in West Germany; while they are free, their brothers behind the Wall are slaves. And they hate the US to death even though they owe it their freedom. They despise and reject the missiles which can guarantee that freedom, yet accept the ones which are pointed at their heart. Very little remains in them of the traditional German warrior spirit. Yet others have deserted the Christian religion—or take it out of context and orthopraxis—and usually adopt extreme conciliatory positions lacking in fundamentalist spirit. They tend to find nothing in the West worth fighting for, so they become hostile to its defense. Many practitioners of yoga and Zen, converts to Hinduism and Buddhism, and others, belong to this group.

3) The confused. They are victims of the ideological assault on the West. Every act in defense of capitalist democracy is a reason for protest because, they believe, it connotes an imperialist attitude. Every weapons system proposed for national security is seen as aggressive. Generally, these groups do not share the religious background (common to the others we have already discussed) to explain their pacifism. They simply believe that the West is in the wrong. They are afflicted with the *mea culpa syndrome*, which paralyzes their will. Many liberal university students belong to this group, as well as former hippies (who usually also belong to the previous group) and the victims of disinformation by the alienating press. Of all the non-true pacifists, these are the ones with the best chance of returning to reality and of seeing things as they really are. They could become a good resource to counteract the real warmongers.

4) The carefree. This type includes those who would rather eat, drink and be merry. Do not mention problems to them, much less a war! Their main characteristic is lack of responsibility. Many businessmen and entrepreneurs who are *doing fine* and who are not willing to risk anything can also be found in this group, as well as those who are lacking in spirituality and moral values.

5) The pseudo-pacifists. They are not real humanitarian or concerned people, but agents infiltrated among them in order to create an attitude of discouragement and to bring about the loss of the will to fight in the Western world. Of course, they oppose all US rearmament, the anti-communist triumph in Central America, missile installations in Europe, and so on.

There remains, withal, a very special group, opposed in principle to any recourse to violence, and motivated by high-minded religious principles. They are in no way cowards, and cannot be lumped together with the pacifists to the death. They are strong-minded, possessing an admirable, compassionate and lofty soul, and are never seen engaging in the kinds of public display mentioned for other groups. They are faithful followers of the principle of turning the other cheek (within the interpretation mentioned in

a previous chapter). Still, they are also faulty in their appreciation of the present conflict, and tend to apportion blame indiscriminately on all who engage in battle. They cannot realize that reason and faith do not exclude the use of power. For reason and faith will always give rise to the will to defend the truth; and truth, in turn, possesses a praxical moment which requires a power to shield it.

²There is no doubt that, with Jesus Christ, Biblical religious guidance definitely points to love as the supreme value. How, then, can we conciliate that with the maintenance of order and justice? Because if love excludes violence, it must also do so in matters of the defense of property, the punishment of criminals and so on, since all of that implies violent action of identical formal basis in the human soul. The solution proposed by Buddha, based on education, understanding and so on, is utopian. The need to act in defense of the truth, on the other hand, can be deduced from the historical Biblical context, from the doctrine (there are parables illustrating the need to apply human justice) and from praxis (expelling the merchants from the temple, for instance).

It is difficult, however, to set great wrongs right without experiencing and generating feelings of revenge, hatred, or at least a lack of understanding. Since (and fundamentally because) that is how things are, Christianity must oppose violence. But will that in itself make us virtuous? Would we be resigning ourselves and leaving everything in the hands of God, or would we be necessarily manifesting love to the aggressor? Love also knows of degrees, and may be manifested in special ways. The man of here and now, therefore, may only be required to act motivated by an ideal of justice which at the present historical moment, and in reference to the joint action of large human groups, belongs more to ideology. Although ideologies, as opposed to religions, may be based on egoism, envy and other human shortcomings, it is possible to conceive one which fosters the expression of love because it promotes justice. Christ may have preached resignation, rather than the defense of such an ideology through violent means, because His doctrine demands the strict pursuit of the Way. But I do not believe that the man who undertakes such a defense—when there is no other alternative, and with nobility of deed—is thereby condemned before Him. Because, among other things, He did not condemn Peter for that, but rather entrusted him with the leadership of His Church.

³I cannot opine on whether the MX is preferable to smaller missiles, or whether it is better to wait for the Stealth bomber than to make B-1s now. All of that depends on a series of economic and strategic considerations which are not of my expertise. I do believe it is absolutely essential to be prepared. The danger in a nuclear freeze agreement lies in that, as many aver, it would not be adequately verifiable and that the Soviets could not be trusted to keep it—they have a long history of violating agreements—while breaking it would be almost impossible for the US, given its political structure. Deterrence is not only achieved by knowledge of what is in the respective enemy arsenals, but also by ignorance of it.

The problem of SDI (Strategic Defense Initiative—the system of anti-missile missiles in space) is a complex one. Some believe that it simply will not work, or that the Soviet Union would unleash a spiraling buildup of offensive weapons in order to overwhelm it. Withal, the idea itself is not bad. The proposed system is the first hope ever conceived of defense from a nuclear attack, and no cost is unjustifiable when the life of the nation is

at stake. Some also argue that the system may lead to the development of new offensive technologies. Well, then, new defenses would have to be found. This is not a buildup for the sake of a buildup: the enemy is out there. If the US is able to create a shield and the Soviet Union is not, the former need not apologize: the latter would have already built it had it been able to. Many feel that if the United States builds such a strategic defense, it will use its newfound invulnerability in order to aggress others at whim. But let us also remember that it already had a monopoly of nuclear power in the past, and did not use it against sworn enemies. Those who always be those gluttons for punishment who will argue that building such a shield is unfair, and that it would have to be facilitated to the Soviet Union in order to maintain parity, forget causes, forget that there are enemies, and forget history. The United States should already be building an anti-missile system, and it should not be letting out a peep about it!

⁴I feel that most pacifists are impressed by the ciphers that human rights organizations duly compute, which invariably attribute most executions or deaths of civilians to para-military groups. But does someone stop to think how they can assert such a thing? If the answer is that those executed were known left-wing militants, then one must ask oneself how such organizations can be sure that such militants were not actually fighters. In my book *El Salvador, Who Speaks for the People?* I provide some insights on the matter. But more important is to avoid falling into the trap of the ciphers, because even if it proved true that most deaths can be attributed to right-wing groups, this constitutes no ground whatsoever to put the blame on them. During the Gulf War, North Americans killed many more Iraqis than Iraqis North Americans; and yet, could we blame the former just on that fact for violating human rights?

⁵Generally, anti-communist artistic expressions do not in any way incite hatred against a race or nation. If they stir healthy patriotic feelings it is because they depict a sad reality which is repulsive to any normal human being. Quite the contrary, reality is grossly distorted in such movies as *Salvador*, which decadents surely approve of, even though it generates ill feelings against those who are actually often the victims. *Salvador* certainly glorifies communist violence, attributing to it a just and noble character Hollywoodish to the utmost. Young people should be able to see more monuments honoring the heroes of Vietnam, rather than movies like *Platoon*.

⁶Rand, Ayn, *Capitalism: The Unknown Ideal*, Ch. XXI, pp. 221-235. New American Library, New York 1967. Although I am, of course, an admirer of the author, I differ with her on some of her ideas, especially because I believe every member of society has an obligation to society, although not in the same way. When such obligation is organic and rational, it cannot be asserted that one group of the population is willfully dictating the behavior of another. It is not that duty is above rights, but that the rational negative moment of freedom at one dialectical social pole is a right at the other, and as long as the common good is at stake man is duty-bound to defend his rights, at least in the institutional context, what takes us to an important theme. In general terms, I am against obligatory conscription, above all because it is usually unnecessary. But is it really ever necessary? Before answering that question, let us recall the two reasons Ayn Rand gives for why a national army might be short of volunteers:

- 1) a corrupt and authoritarian government has demoralized the country, or
- 2) the government is waging a war no one understands or accepts.

This is generally true, but it only tells part of the story. A country may be demoralized by its loss of fundamental values, and not necessarily by government failures and faults. A people so confused does not readily join the army, because it has lost sight of what there is to be defended. If, as Ayn Rand states, no one were obligated to anyone other than himself, it would be impossible to constitute a stable army: it could dissolve at any moment, and anarchy would take over. We could not leave it to every new member of society to decide for himself what he will commit himself to: there is an inherited commitment which emanates from the support provided by society for our survival and welfare. Ayn Rand opposed those who hoisted the Vietcong flag because they endangered the safety of the group, thus violating the rights of others. But this is incompatible with her concept that one is obligated only to oneself. In order to defend rights, institutions are needed, and we must have an accord specifying reciprocal rights and obligations for institutions to function.

I agree that, thanks to advanced technology, a huge standing army is not necessary in the US today, and that a volunteer army is much preferable to forced conscription. Refusing to join the army may, within limits, be acceptable under normal and stable conditions, and it must be clear that no one should have to be forced to fight an anti-ethical war or to defend a corrupt regime. But while an army made up of volunteers could constitute an effective check on warmongering government policies, it could also start a war on its own. The army, let us remember, is generally more combative than the government, and that we are assuming here a great deal of autonomy for such an army. I also agree that the draft is similar in some respects to recruiting workers by force, evoking a socialist measure. Now then, forcing people to work may fulfill an economic purpose, but only at the cost of sacrificing the individual's right to determine whether or when to undertake economic initiatives. On the other hand, the maintenance of a state of right demands a monopoly over the use of force, which can only be implemented through armed institutions, including the police. We generally associate recruitment with the regular army; but in certain circumstances a draft might be necessary for (what for all intents and purposes constitute) urban, rural, border and other armies. And there are practical differences in many respects: a laborer can be conscripted any time, but a soldier must be trained to be useful. It is never too late, perhaps, to recruit laborers, but it can be too late to train an effective army. An army also needs time to build reserves. Without them, it cannot draft just anyone for combat and still have a reasonable chance of fulfilling its mission.

To respond more specifically to the question of the draft, I see this matter as follows: first of all, a year or two of military service do not detract from an academic career or other enterprises. Recruits generally enter the army in times of peace and do not immediately enter combat. Thus, their reserves need not to be made up from an universal recruitment, which would be justified only in emergency situations. The call to arms may not be necessary when the nation is already at war: volunteers usually abound. In peacetime, on the other hand, the state must ensure that there is always institutional preparedness in case it is ever needed. That is precisely the reason it can impose the draft. This is a payment every individual owes to society, or rather, a preparation for possible payment in the event of war. The answer must be wider in scope, the draft being only one aspect of the obligation every formative unit

has to society. The only possible exception is that of the conscientious objector, "whose principles forbid him to brandish a weapon".* That exception must be clearly identifiable, however, and will not apply to what should be preferred targets of recruiters, such as street bums and gang members—whose rehabilitation would constitute an additional benefit to society. Of course, we are talking here about an army with principles. When the situation is one of clear and undisputed aggression, those who refuse to defend the motherland are certainly breaking the social contract and refusing to fulfill the legitimate obligation they owe it in exchange for all that they have received. In turn, society is thus entitled to end all association with (and all its obligations to) them. The case of the draft is less dramatic, but it is still the prologue to the fulfillment of the above mentioned obligation.

⁷Nixon, R., *La verdadera guerra*. Editorial Planeta, Barcelona 1980. In addition to being an astute politician, Nixon has accurately grasped the philosophical essence of many matters. Mystics have long proclaimed that weakness will always defeat strength, as Lao-Tse put it in precisely those words. But that is based on a rather murky definition of weakness, and a conduct that only the mystic may follow in the proximate steps. Nixon makes reference to the spirit and the sword in citing Napoleon, which can fit our discussion with little adaptation.

* Zanotti, G., *El humanismo del futuro*, Ch.IV, p.240. Editorial de Belgrano, Buenos Aires 1989.

CHAPTER VI

THIRDWORLDERS

Thirdworldism is a phenomenon which affects both the Third World and the developed countries. In the former, it manifests as aggressive feelings toward the latter, on the assumption that all of their ills are caused by the developed countries. And in the latter, the feeling is that their progress has been achieved at the expense of the former.

In order to determine who belongs in the Third World, it is usual to adopt a point of view which includes both economic and political considerations. Thus we find in it developing countries and countries in states of extreme poverty, the free and the oppressed, the aligned and the non-aligned. For the sake of simplicity—and in order to avoid prejudiced classifications according to which political orbit a country belongs in, as in the case of Cuba—let us consider the Third World as formed by the underdeveloped countries. Thirdworldism has caught fire at every level, from socialist politicians to Marxist priests, including *the intelligentsia* and a good number of international organizations. This is partly due to a magnification of certain errors and abuses committed by the developed countries, and partly derived from communist theses. The central economic theme of Marxism, the exploitation of labor by making use of surplus value, was later extrapolated to the relations between poor and rich countries.

Determining how deep thirdworldist ideas are entrenched in the hearts of poor peoples is not easy. In El Salvador, for instance, the people generally prefer North Americans to

Mexicans. But if we asked them whether in all honesty they consider themselves exploited by the rich, most would probably answer that they do. Does that prove anything? Only in a relative sense. As posed, the question is a leading one, taking advantage of all the propaganda which confuses the people. It must therefore be rephrased as follows: Does your boss exploit you? I have witnessed how the answer changes most surprisingly: No! My boss is good, but the others are exploiters!

Imperialism and exploitation

In the discussion to follow, we will refer fundamentally to the relations between Latin America and the US. The belief that imperialism is the supreme state of capitalism, is mostly due to the influence of Lenin, who argued that capitalism cannot survive without the exploitation of colonies, and that colonies cannot make progress because of exploitation. Yet countries which were never colonized have remained poorer than others who were, despite the similarity of their basic economic characteristics. Carlos Rangel illustrates that with the example of Ethiopia, an extremely poor country which had practically no contact with the outside until 1935; its poverty was due to the characteristics of its population. Nigeria, Rangel points out, which had no available resources before 1890, became progressive from the moment it was colonized, and by the time of its independence was exporting several products developed by its colonizers, similar to the case of Malaysia. Capitalist countries, Rangel asserts, have not made progress exclusively or mostly because they had colonies. Look at Sweden, Switzerland, Canada, Austria, Norway and Australia, among others. It is a fact that the economic expansion of many countries began only after they lost their colonies. As Rangel states, sometimes colonies were even bad business.¹ I would not have anyone believe that colonization was motivated by altruistic purposes, or that plundering has not occurred. In fact, colonialism is the anti-praxis of legitimate imperial expansion. All I am trying to say is that colonization also had positive aspects, and that colonized countries could have advanced further had they planned better after they achieved independence. In the supposed North American

colonialism, there has been no formal aggression to the sovereignty and independence of peoples. That is why Latin American countries cannot be considered US colonies, and why the term dependent countries has been coined.

When the North American Empire started to form, there were certainly some sectors with a spirit of conquest, and yet conquest never took place. But it seems that certain US presidents—Theodore Roosevelt, typically—thought it their duty to teach their Southern neighbors the norms of civilized behavior, and that they had to act as policemen in the area. Given its substantial investment in Latin America, revolutionary upheavals in the area were always deemed dangerous to US interests. But on the other hand, many so-called revolutions were really caudillo-led insurrections, and on more than one occasion became anti-North American in tone, endangering US citizens and allied peoples. North American intervention has been most accentuated and direct against nationalist movements in Central America. Elsewhere in Latin America, many not quite pro-US governments have paraded, and the US hardly fought them except on special occasions. All of that has motivated more than one intervention, some of them libertarian, at least in the sphere and motivation of preventing a communist takeover. But the US failed, unfortunately, in encouraging (or at least not opposing) the installation of corrupt oligarchies for the sake of maintaining the status quo. Opposed as I am to that, I also recognize the inherent difficulty of formulating an adequate policy against corrupt non-enemies: the US cannot declare war on them either.

As I just said, the US has intervened on certain occasions for at least partly legitimate reasons, as when Salvador Allende and Jacobo Arbenz were overthrown. It is irrelevant that Allende was democratically elected; allowing anti-natural ideological parties to attain power vitiates the electoral process. Besides, his majority was only relative: the other parties together had the greater number of votes. Some, like LaFeber, argue that Arbenz was a nationalist who only wanted to liberate Guatemala from dependency.² But although there is certainly a tendency to label many true nationalists as communists, that was not the case with Arbenz. Once he rose to power in Guatemala, also by majority vote, he proceeded to expropriate

the United Fruit Company. It is difficult to evaluate this action, given the record of United Fruit. However, Arbenz had allied himself with the communists, allowing them to gain strength by infiltrating the labor unions. Arbenz had also expropriated land from the *oligarchs*, without offering adequate compensation, and he was also organizing armed communist militias. Despite what I previously said, and to avoid clashing with the established democratic ways, I will concede that an elected communist government does not have to be deposed if it respects the rights guaranteed by a previous social contract, not going beyond enforcing left-wing capitalist policies, and remains distant from Soviet influence. When it grows closer to the international communist movement, it poses a geopolitical threat to freedom, and supporting those who seek its downfall is a genuine example of nomocratic praxis. Of course, what good may result from such actions does not preclude the undesirable counterpart of those who are motivated to act more by what they perceive as the dangers of nationalism than against the real ones present in ideological incompatibility.

History has given us countless examples showing that foreigners which help peoples to preserve their fundamental values and rights are considered as liberators. Direct, large-scale, anti-communist intervention would be welcome with open arms in Central America today, at least by allies, the ones who really matter. Besides, the US encouraged Latin American independence from European (and other) colonizers. Mexico, for example, has not been without imperialist ambitions in Central America—like Guatemala and Nicaragua on a lesser scale—but US influence and expansion discouraged all their dreams of conquest.

The US was in a highly advanced state of development when it *colonized* Latin America, much like when England colonized India. As Rangel notes, the writings of Marx embarrass thirdworlders. His anti-British ideas can already be seen in an article published in the *New York Daily Tribune* on June 25, 1853.* Yet Marx never attributed the progress (over-production) of capitalist countries mostly to exploitation of the colonies, but to bourgeois creativity. It was Lenin who greatly

*“The British Rule in India,” *The Portable Karl Marx*, pp.329-336. Penguin Books, New York 1983.

magnified the role of such exploitation. Let us note in passing that some Latin American countries which enjoy greater resources and better planning, Argentina and Costa Rica for example, are not suffering from dire poverty.

Marx himself saw no other remedy for backward countries than their economic awakening as a result of the imperial expansion of Western countries.³ He foresaw the fall of capitalism more as a result of self-destruction, but since that did not occur, communists were forced to resort to theories about the exploitation of the Third World in order to explain capitalist advancement. Now then, Marx was never fond of colonialism, and considered it perhaps a necessary evil. He always said that if the bourgeois ever bring progress, they do so by dragging others into misery and degradation. He had conflicting opinions on the matter: although he deduces that foreign enterprises will have to exploit local labor by appropriating surplus value, he recognizes that there are benefits to be derived by the colonized country. According to Marx, when England decided to build railways and irrigation systems in India, all it wanted was to obtain cheaper cotton and other products for its manufacturing industry. But Marx himself recognized the enormous benefits India would derive from its railway system.⁴ There are always other factors to be considered. Disproportionate population growth and its own philosophy have sunk India into poverty as much as, perhaps more than, anything else. But I would not attempt to generalize, nor I defend British colonization, but I wonder how India would have fared today if the British had not created the infrastructure that enables it to make use of its resources. And the aftermath of the episode is India's privileged place within British foreign policy.

Imperialism and expansionism cannot be attributed to any particular system. These are phenomena which have been occurring for thousands of years under different systems of life and are also evident today. Soviet communists argue they owe Latin America nothing, dismissing the suffering and destruction they have brought to it. And they certainly owe a great deal to Poland, Hungary, Czechoslovakia, Afghanistan and others. Neighboring countries are simply annexed by the Soviet Union. Since not all communist powers show expansionist tendencies, cultural factors probably play a role here.

This seems to be the case of Russia. Its previous lack of colonies overseas, when it was a kingdom, was probably due to its late development of sufficient resources to attempt colonial ventures. But now it has them by the handful, as pawns committed to exporting revolution.

In commercial and economic relations between North and South America, there is no doubt that the former have benefited much more, but this cannot be called exploitation per se because as a rule the reason lies in the better use of resources by the more developed country. It can even be asserted that those who receive high-technology products receive an extra bonus which should propel their development and shorten the distance separating them from the more developed country, to parallel some ideas of Ayn Rand. No one can allege that the high-rise buildings in New York and the great harvests of the Mississippi Valley owe their origin more to the appropriation of the resources of others than to effort, inventiveness and good planning. And all the repetitive labor engaged in correcting deficiencies due to poor planning and lackadaisical effort—the terrible waste which characterizes Latin American countries—has not become a part of the North American way of life. But neither because of that are we to ignore unduly advantageous treaties which the US has achieved through the influence of its might.

Conflicts arise not only in the Third World but everywhere, especially between neighbors. But our concern here is the manipulation of the Third World for political gain. Regarding the claims made against former colonialist countries for plunder of resources, it would be impossible to determine the impact of the amount stolen in the overall context of the colonial administration, or to calculate the balance of all this today. In attempting such a thing, Latin America would have to start by placing claims against Spain and Portugal, and India would have to do the same not only against England, but against Arabs, Tartars, Turks and even the Macedonians or their descendants. In Latin America, it would prove difficult to decide who should get reparations. Certainly not the Aztecs or the Incas, who had themselves subjected other peoples. In the last instance, we would have to go back very far in time in order to determine the original dispossessed inhabitants and

do justice to them, or at least to the last traceable legitimate state in the area. Many things can no longer be remedied, nor should they be. Other men and other times and customs which we cannot fully understand (because we are so far removed in time) determined events, and the new generations cannot be held responsible for the wrongdoings of the older ones. In fact, the above case is one of trans-generational dismissal of permanence. If we attempt today to correct the past, we will surely have a real world war. A similar dilemma, although in a different context, is posed by the attempts to reverse the territorial changes brought on by past conquests and wars. This would make unfeasible to keep a lasting peace for it would require redrawing the political maps, and because most people who find themselves integrated with others wish to stay that way. Patently, there are many exceptions here, as when regional inhabitants remain annexed by force or are discriminated. And the first countries which should be freed from this bondage are the ones in Eastern Europe. In an effort to sum up, we can say that it would make some amends that developed countries—particularizing each case, obviously—gave disinterested aid to the Third World, and they must start by promoting nomocratic capitalism in it.

There are three basic ways of explaining exploitation:

- 1) minuscule wages, theft from the state treasury, failing to pay tribute, usurpation, and unfair-advantage trade;
- 2) appropriation of surplus value; and
- 3) colonization by foreigners.

The disregard real oligarchs exhibit for the interests of the nation, perhaps the most frequent cause of the misery of a people, is more to be blamed for the first category than a formally unjust economic structure. The second explanation is characteristic of communists, many thirdworldist ideologues, and left-wing economists; the surplus value theory is false, however. We will analyze colonial exploitation next, stressing the ideological aspects over the properly historical ones.

How is a country neo-colonized?

Since the Third World is said to be colonized, it would be good to examine the mechanisms which are adduced to justify

that assertion. In truth, real and effective colonization can only be achieved through territorial occupation by settlers and the military intervention of sovereignty. We are asked to believe that there is today an *informal imperialism*, a neo-colonization which is being carried out less by orthodox means than by new ones, such as immigrant labor. But in truth, some of the colonizing mechanisms mentioned in these cases are simply derived from previously analyzed Marxist theories, and yet others are gross calumnies. The perennial basis lies in not recognizing the merits of those who stand out, whose progress and natural influence compared to the backwardness and susceptibility to influence of others is in this particular case labeled colonization.

These mechanisms would act and be carried out as truculent plans of conquest. The key word here is *dependency*, but it is worthwhile to study the mechanisms separately, in the understanding that they naturally overlap. The mechanisms serving to colonize Third World countries would be:

1) establishing puppet governments, 2) displacing the native-born, 3) establishing Mafia-type enterprises, and 4) creating dependency.

Americans are accused of conspiring to achieve the subjection of the Latin American peoples. In an article on the matter, which appeared in the Miami Herald, Carlos Montaner asserts that *Americans do not exist*. There is simply no plan, no office, no power center in the United States, in or out of the government, capable of carrying out such maneuvers. Hispanics, Montaner says, are eager to believe in the existence of such conspiracies, when there is nothing more than a huge conglomerate of human beings whose principal activity is commerce. He may be underestimating the problem, but the fact that certain corporations can make large profits at the expense of Latin American countries is no license to lay the blame on Americans. There are also Colombian drug consortiums making huge profits at the expense of the pockets of the consumers, and that is no reason to label Colombians or the Colombian government as exploiters.

1) Puppet governments.

Often, their existence is assumed by the support of Latin American political parties or power groups which share cer-

tain interests with the US. Although that would be a formal feature of a neo-colonial system, no colonial structure can exist without the loss of important spheres of the local autonomy. Probably prompted by hegemonic aspirations, and in alliance with corrupt local elites, the US has supported unpopular and therefore dependent governments as part of its foreign policy. But Latin American peoples have also been subjected to local tyrannies acting independently and dealing covertly with certain foreign interests, whose economic power is enough explanation for their influence. There is no need to suppose they necessarily act within some context (or with the complicity of some agency) of US foreign policy.

2) Displacement of the native-born.

Nationals can only be displaced when they do not get equal treatment before the law. Otherwise, their displacement is a consequence of their lack of creativity. If those who only produce for today go on like that, they will always be *displaced*. The lack of education and services for the great majority, however, constitutes acts of indirect displacement—since it is not yet orthopraxical for the family to take over the providing functions of the state—but unresponsive government is to blame, not a plan by the presumed colonizer. Latin American governments have had sufficient resources to bring these services to the masses, yet they have not fulfilled their subsidizing role. But on the other hand, it is in general the natives who stand out as the ones to achieve relevant positions within the social structure. Foreign enterprises may own the most substantial assets, but these assets have never represented but a small part of our national patrimonies. In any case, displacement relates more to the legitimacy than to the distribution patterns of the resources.

Because of diverse circumstances, America was recently the recipient of a great influx of immigrants. They were mostly adventurers and ambitious men who were poorer than church mice, but with much more initiative than the native-born for developing the great potentialities of the new world. They progressed substantially as a result, and gained distinction among their new co-nationals, especially their descendants, which should be considered as much native-born as anyone else. We cannot limit the use of the term to designate the

descendants of pre-Columbian races—which never had fewer opportunities than they did in colonial times. The point which must be made is that immigrants work for the benefit of themselves, not in order to favor an imaginary colonizer. The arbitrary use of the term “native-born” could lead us to consider many English-descendants North Americans as displaced by the Irish, the Central Europeans, the Italians and so on.

3) Mafia-type enterprises.

The assumption here is that every foreign enterprise which comes to the Third World does so intending to gain political power in order to exploit the natives at whim and take the newly created wealth back to their lands of origin. Actually, the blame for this is put mainly on trans-national enterprises; but we do not need to make such a distinction in order to grasp the ideological picture. Exploitative foreign enterprises there certainly are, but from that fact to there being institutional instruments to grab the wealth for their home countries is quite a leap. Even if there is a substantial repatriation of wealth, this wealth is supposedly created by the foreign enterprise. That very question is one of the economic topics most hotly debated these days. Neither can we demand the enterprises from developed countries to pay the natives the same salaries they would pay back home. Wages must be sufficient to enable local workers to meet their basic needs. But they must be determined in attention to local circumstances. Otherwise, we would have to allow an enterprise originating in a country with a lower standard of living to pay salaries on a scale below what is considered acceptable in the country of their new location. The market process usually takes care of evening things out, and foreign enterprises generally offer advantageous working conditions. No country which feels exploited by foreign enterprises was wealthy before they came to it or has become poorer because they did. A foreign enterprise cannot take away more than it produces, except if we were dealing with out-and-out gangsterism. However, in order to be blamed for a state of general calamity, Mafia-type corporations would have to control most of the country's economic activity, not only (as they might happen to do) the exploitation of certain natural resources as oil. This, of course, opens the door for a discussion about the displacement

of local enterprises. Perhaps if the local governments had kept their hands off such resources, today these would be managed by native instead of foreign interests, and we would have a greater share in their exploitation. But in the context which concerns us here, it is more important to realize, for example, that the fact that a foreign enterprise controls the products it harvests and the infrastructure it builds (such as railways) does not in any way presume usurpation of national patrimony. That is where thirdworlders are wrong when they complain that the host country does not control its products, and from a false premise they derive false conclusions. Bananas, for example, are products of the country only in a geographic sense. In an ideologico-juridical sense, they belong above all to the enterprise which grows them or has acquired a legal entitlement over them.

No business would arrive in a country in order to build for others; the enterprise comes to risk resources, work and do for itself, that is, profit and grow. In the process of growing, it also benefits the host country by creating an infrastructure and opportunities for employment, plus on-the-job-training. That is the key. When a foreign enterprise begins operating, it and the host country enter into a contract which must be fully respected, unless it has been imposed or is grossly unfair; the time for renewal and renegotiation is at the end of the contract. The initial exemptions and other incentives which a host country grants for starting operations are not to be considered lifetime privileges by the enterprise, but neither is it permissible for the state to decree taxes so onerous they amount to expropriation. Renegotiation must be based on just and realistic considerations allowing both parties opportunities for self-fulfillment. Coming back to specifics, it may be agreed, as in the case of railways for instance, whether they will belong to the host country but the enterprise will be allowed to use them, or whether possession will be granted for a limited time in return for which the enterprise will agree to render specified services. If no limits are set, however, and if no reasons for dismissal of permanence occur, what the enterprise creates must belong to it for life.

Thirdworlders complain that railways built by foreign enterprises served to transport company products, not the peo-

ple. This is purely a contractual matter: if it has not been specified, and the company needs what it has built, it cannot be forced to give it up. This only means a respect for the rights of each party as agreed in a pact of sorts, which is what every contract means under the capitalist system. There is a difference between foreigners and nationals, in that the latter are obligated to defer certain rights in those cases where, as we have seen, the satisfaction of some organic social need so demands. Foreigners owe the host society no more than has been agreed to by contract. This is consistent with moral principles, since the only possible praxical synthesis for the dialectical situations brought about by the joint economic ventures of two sovereign powers, or two independent units of right, is through a contract. No one will invest in another country if the state is empowered to seize company assets whenever it suits its needs. Abusing foreigners can only create discord between peoples. Given adequate indemnification, a foreign enterprise can be expropriated in very special circumstances. But confiscation is only permissible upon confirmation of actual exploitation or grave violations of the law. And when a foreign enterprise becomes the victim of abuse, the home country has the right to protect it, just like it protects the life and property of its own tourists and residents abroad. This also cannot be labeled imperialism or colonialism.

It is to be noted that certain extragovernmental centers of power in a metropolis can exert coercion over weak countries, but that such centers may very well be labor unions, not enterprises. Some colonial enterprises, however, may have merited fines, expropriation, or even confiscation. What I reject is the thirdworldist mentality on the matter. An enterprise which is making fabulous profits, and yet brings no benefits to a country, is exploiting that country. However, while the benefits for the country must be distributed among many, that is less true for the enterprise. So shareholders may become millionaires, and the country still remain poor due to factors alien to the activities of the enterprise.

4) Creating dependency.

This is allegedly the primary basis for neo-colonialism. Some mechanism towards that end are said to be control of the economy, poverty-creating loans, forced concentration on one

crop, and Mafia-type enterprises, so the natural polar-pull dialectics would be left out and the freedom-coercion one would take over. Dependency is said to be created when certain local elites join with foreign investors for the purpose of controlling the economic life of the country: those elites would surrender the country to the foreigners, and the foreigners would protect them from the wrath of the subjected population. This gross calumny, aimed at mass manipulation, is what LaFeber, Wheller and others deem *social imperialism*. Control of the economy by elites may be nothing more than a natural event deriving from their excellence. And their relationship and kinship with foreigners is, as a rule, based on their position in the business world, their studies abroad, their limited social circle, and even some *Malinchismo*.*

There is a type of dependency which is not planned or imposed, and which occurs when one country needs the products or capital which only another possesses and can provide, at least in an efficient manner. Circumscribing to a single trade to illustrate, countries in need of machinery are more dependent than those in need of the coffee bean because coffee is relatively less valued than machines. But as long as the effective socio-mercantile powers at play remain balanced, the case can be deemed a natural calamity and morally acceptable. The concerns begin when one party has no choices against opportunism. Because even though as a legal category anti-libertarian dependency can only occur within a group ruled by a common law and not among independent production groups, it does exist in relation to a loss of sovereignty and as a moral-humanistic category.

Withal, the needs of poor countries are relative in nature: no one really needs the latest products of science and technology. Dependency on these products is less a creation of producers than a perception of consumers. Underdeveloped countries are generally capable of meeting their basic needs. Not infrequently, it is the desire for an anachronical super-development which creates their dependency. All that underdeveloped countries have to do to break those chains is to resign

**Editorial note*: Often used in Latin America to denote a collaborationist attitude, or one of preference towards foreigners. It is derived from Malinche, the Indian woman who became the lover of Hernán Cortés and supported him in his conquest of México.

themselves to an additional delay, say half a century or so, and start to build on their own resources from that moment on, importing only what they cannot function without. They can stimulate agriculture and basic industry, together with proper population planning. Adopting a simpler lifestyle, they would have no great need of loans from abroad, and at no great cost could put to good use the knowledge gained from more highly developed countries. Thus, foodstuff-producing Third World nations would not have to sell their production to the point where they can no longer meet their own internal needs. Withal, I concede that the globalization of economies may demand a different approach.

Here, we will disregard the role that multi-national corporations may play, because the ideological analysis we are interested in is transparent only in the purity of international relationships. Today, developed countries have themselves become dependent on Third World nations. Even some of the latter now depend on other Third World nations, as has occurred because of the increase in the oil prices. Their lack of group consciousness has resulted in a merciless rise in crude oil prices, which has hurt countries with limited resources most of all. On the one hand, crude oil had been underpriced, and oil-producing countries had every right and incentive to better their take. On the other hand, if the Third World is to break its chains it must start by showing solidarity, and the countries which must give the example are its natural leaders. Unfortunately, there has occurred a politization of the market which has distorted its normal mechanisms. Selling the oil for different prices to different consumers might seem to be a solution, but it could lead to yet another politization of the market. Perhaps the best way of alleviating the situation is by means of additional commercial treaties with the economically disadvantaged consumer countries.

There is much talk of a presumed US intent of keeping Latin Americans poor in order to make them dependent; however, the benefit derived from dealing with partners having a weak market power is canceled by their reduced purchasing power. The increased political power which might thus be achieved would not make up for the resultant enmity and social instability, and for contradicting the long-term internal

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the sake of simplification, the consequences of competition among the Third World markets themselves, the price of raw material will rise as a function of demand, but demand will not rise until technological advances and proficiency in the developed countries create the conditions for a better and wider utilization of the raw materials, thereby adding to (and sometimes creating) their use-value. Thus, it is the work of molding the raw material performed by the high-creativity nuclei, which starts turning the wheel of wealth for everyone, and that is why these nuclei tend to derive the greater benefit. The other side of this coin is the coercive manipulation of the market and the undue use of a superior effective socio-mercantile power by certain sectors in the metropolis.

That is why, despite adequate treaties on customs and other between the US and Latin America, the products of the former are sold at a reasonable price while some influential sectors in the US are able to boycott Latin American products or resort to other mechanisms in order to bring down the price of those products. The worst of these mechanisms—assuming allegations on the following to have a basis in facts—is the use of political influence by governmental agencies for the purpose of preventing the formation of rival commercial blocs, resorting even to provoking regional conflicts in order to create convenient rifts. In addition to the social and humanistic objections, all such actions would be economically exploitative, given that the price of the abovementioned products—mostly mineral and agricultural—would dip to a level which is unthinkable under market fair play.⁵ But I have myself witnessed periods when coffee exports brought substantial amounts of hard currency to coffee-growing countries. Had that money been properly managed, we would be telling a different story. And there have been similar bonanzas in many other fields, sometimes because the US has paid some countries a premium for their exports. In other cases, as when the product is greatly needed, very little can be done: the inability of industrialized countries to control prices was clearly in evidence during the recent oil crisis, at least for quite some time. Let us note that in ancient times hunting tribes used to face a somewhat similar situation in relation to land-farming and cattle-raising societies who, thanks to more advanced technol-

ogy, had made better use of their resources, had abundant food, and could gain the upper hand in their commercial dealings with the hunters. Many see that as an early form of exploitation. In general terms, however, this only shows the existence at that time of the reason-individualism-capitalism-mysticism axis.

In this, the US has indeed always tried to maintain political influence and preferential trade agreements, which should only have occurred spontaneously as an inherent consequence of their imperial status. For this—facilitated by a lack of national pride in Latin America—more than any other reason, it can be argued that a dependence of sorts has developed and that a plunder of natural resources has occurred, often using such means as opposing nationalist leaders and supporting accommodating collaborators. And although bilateral treaties may provide the weaker country a certain measure of compensation, such a policy gets in the way of alternatives and is not a legitimate mechanism of free trade. In any case, it is clear that if there is or ever was a dependency such as described above, it was not expressly created by means of keeping Latin American nations mired in poverty. US tourism, for example, is a major source of income for some countries, and has never been hampered. In sum, any actual policy of exploitation is not to be seen as a structural but as an intrusive element of US foreign trade strategy.

The subject of the foreign debt is related to the matter under discussion. With respect to that, Rangel states that "...objectively, the origin of that debt is the transference of real resources from lenders to borrowers, frequently under more advantageous conditions (both in loan terms and interest rates) than those prevalent in international financial markets..."⁶ It is said that US loans to Latin America are conditioned to the obligation to make certain purchases in the US, at artificially elevated prices, in order to drive borrowers into poverty and debt. There is no way to enforce those conditions short of sending in the Marines. Such commercial contracts are simply rejected, and more advantageous terms sought elsewhere. We must distinguish between US government policy and dirty deals involving profiteering, exploitative private firms or possible dependency-creating supranational entities.

A country going deeply into debt proves nothing; it simply suggests poor investments, poor planning, Mafia-type practices and outright embezzlements. Fighting this is no easy matter, and neither is abrogating treaties when thieves cover their steps under a semblance of legality. As has been clearly pointed out, the problem with these loans is that they do not take place between private entities, or between these and governments, but are provided by state-funded financial corporations to governments, who use these monies to cover losses and deficits caused by poor investments, obstructing private initiative and propitiating the utilization of international bailouts which lead to massive indebtedness. Although this by itself does not create dependency, the obvious solution lies in developing sound, self-supporting economies.

The loans under discussion should specify certain conditions, both in order to ensure proper functioning and safeguard the investment. Not one of us would lend money for a business we suspect may go wrong, at the risk of losing our investment. And yet, knowing the kind of corrupt administrators who manage monies in Latin America, various financial institutions have lent them huge sums, sums which will soon return to their countries under illegal ownership. But, except for this possibility, massive indebtedness does not seem to benefit lenders: it often leads, as we are now observing, to further borrowing merely to cover interest payments. The risk, then, is complete default, and the days when such a thing meant war are now ancient history. Loans involving nations compromise an entire society, which can only default on them if there is clear evidence of fraud or malfeasance. But it cannot withhold payment, nor can a new government, nor the people, abrogate the contract simply because it is not in agreement or was not involved in the negotiation, just like a new board cannot refuse payment on a loan previously received by the corporation. The worst thing is not to honor payment to the person who, *de bona fide*, have financed and helped Third World countries by acquiring their government bonds. This is a matter of ethics, trust and responsibility, since a nation does not mortgage its resources in order to guarantee payment. Should this were to change, a defaulting country might end up losing national assets or even territory. But they would reassure

their lenders, securing further assistance, and peoples would become more concerned and demand a more honest and responsible economic management from their governments, or better, entrust more and more private enterprises with such management. In the present situation, however, and in recognition of their own irresponsibility, the lenders must agree to renegotiate pending loans under more realistic conditions. Forgiving such debts would hurt lenders which have ventured money in good will. What we need pressingly is an international auditing mechanism which could unmask thieves and confiscate stolen assets; it would make paying the external debt an easy matter.

There is an abundance of examples of how countries are supposedly exploited through loans. One such example refers to the alleged benefits achieved by countries granting soft loans which borrowers can only use for buying surplus (and similar) goods from the lender. Another describes long-term loans which are disbursed (in yearly installments) in such a way that in the final years the borrower ends up paying more than it receives. It may be receiving a million dollars, for instance, and paying one and a half. An economic analysis of these phenomena is beyond my expertise, but it is a matter of elemental logic that a loan which drains capital will simply be rejected: borrowers also have economists capable of analyzing the merits of a loan. But, depending of course on the numbers, just because in the final years of a loan a borrower is paying more to honor the debt than it is receiving in installments does not necessarily constitute evidence of exploitation: we can imagine a situation where the money received in the early years, if put to good use, might have multiplied severalfold and created enough wealth to cover both interest and principal. That is the way it can be if loans are channeled to private enterprise. Perhaps there is in all this a proto-organization which can be manipulated as many fear. In any case, it is also our intention here to show that any such manipulation would be opposed to capitalist tenets.

In sum, I think that we could say that the whole matter belongs less in the political than in the economico-moral sphere. Anarchic trading practices have set a trans-national framework of corruption which, although it does not constitute

a formal aggression, ends up hurting the interests of the poor countries. Finally, a big fish eats the little fish policy, might not even be the concern of juridical right since we are dealing with independent economic units, but it is contrary to the principles of practical reason. In all commercial dealings, both parties must seek their own best interests, but the deal itself must not prevent either party from achieving a rational level of self-fulfillment; depriving the weaker side of fair alternatives is always offensive to human dignity.

True enemies

I would like now to briefly refer to certain aspects which keep the Third World backward, and which must be combated: thirdworlders themselves when they propose socialism and anti-Americanism, social malcontents, the phenomenon of the rabble, malinchista elites, machismo, bad governments, disunity, and the wavering policies of the United States of America.

Solutions to the problems of the Third World, Latin America in particular, are not easy to find, and require not only their joint effort but the assistance of the developed countries as well. So much should have been done, and has not—the training and preparation of the people, for instance that the task seems overwhelming. But unless we recognize our own mistakes, we cannot overcome them. Without in any way proposing the adoption of another attitude of *mea culpa*, we must note that when thirdworlders observe their own lack of progress, they fail to ask the logical question: not, who is exploiting us? but, where have we failed? The personality thus evidenced is the bitter enemy of progress, because it cannot envision the ideal mechanisms for its development: those of a free economy. These thirdworldist positions are claimed to be redemptive, yet they constitute real enemies of the developing countries for a number of reasons: they distort the concept of capitalism, favor alignment with the Soviet Union, promote socialism, provide excuses, protect communist regimes such as the one in Nicaragua, and others.

When the unwary hear such accusations and observe the situation of their people, they tend to listen. But it is mostly

the intellectuals who tend to accept all the fabrication. And these are very influential within certain levels of political activity or organization. As a result, any anti-government attitude or conflictive political situation will tend to turn anti-Yankee (or anti-capitalist) and pro-Soviet. That is the basis of the thirdworldist ideology which is dividing the West. In its eagerness to oppose US actions, it runs the risk of giving the advantage to the communists, somewhat like the policies of the Contadora Group towards Central America. Professor LaFeber defends the actions of a Nicaraguan government which can no longer even be considered thirdworldist but Marxist. He asserts that it did not support the Soviet Union in the UN vote on the Afghanistan invasion because it feared that the US would then become more involved in the region, thus widening the East-West conflict.⁷ Let little children believe that: even if the UN had roundly condemned the Soviet Union, all that the United States could (or can) do was to send aid to the rebels, which it is doing anyway. A vote of condemnation by Nicaragua would have represented a moral defeat for the communist system; as its ally, Nicaragua could not do that. There was nothing to fear from condemning the Afghanistan invasion, except a reduction in Soviet aid.

Properly channeling our nationalism is imperative, because thirdworldist mentality has penetrated, somewhat modified, various sectors of the population, and acts as a distorting element of the genuine and legitimate Latin Americanist dispositions. A final mechanism postulated as creating dependency is the one which sees the US itself fomenting communist guerrilla insurgence in Latin America. That line of thinking is encouraged by the lack of definition in US foreign policy which results in a lack of conclusive solutions. Therein is born another presumed conspiracy to impoverish peoples: in the assumption that the war will either be won in the long run or become a war of attrition with no danger of the communists gaining power, the global outcome will be submissive allied governments, debilitated and lacking in resources, and therefore dependent. It would seem that while a long, drawn-out war may benefit arms and munitions merchants, and some others, the total cost of maintaining the status quo exceeds the benefits. For instance, the US has invest-

ed substantially in the war in El Salvador, and may never see its investment paying (in the political context as well), as in the case the war is lost. In that case, in order to rescue the country from the communist orbit, it will need to invest more. If the ally is not lost, on the other hand, the US must help it financially so that it becomes productive (otherwise there is no advantage in keeping it dependent), in which case a long period of recuperation must precede exploitation. And so much can happen by then that other businesses, less risky ones, will seem a better choice. Still, some believe that the US would more than recoup its investment, among other ways through new bank deposits deriving from capital flight. The worst thing is that its allies may themselves take these accusations seriously. While other systems of exploitation are unjustifiable, one like the above described would be abhorrent and genocidal, and would justify breaking any alliance forthwith.

The thirdworldist ideas of the minorities (which for several reasons lag more or less behind in the industrialized countries) are usually the result of a sympathy with peoples whom they share historical misfortunes with. Although I cannot agree with their ideas, I believe that the mentioned feelings deserve at least benevolence. Neither will I deny that there are authentic patriotic nationalists who truly desire to rid the world of injustice. I join their struggle. I believe in equitable relations, although not in the name of APRA (a Peruvian socialist ideological movement which is greatly respected among Latin American intellectuals) but in the name of capitalist justice. Let us note that even though the lowest per capita income of the labor force in the region occurs when socialist regimes rule, it tends to be endured. The role of left-wing union leaders is surely at play here.

In the Third World, the phenomenon of *the social malcontent*, which I described in my book on the war in El Salvador, can often be observed. For obvious reasons, he is usually found side by side with the most radical left-wing policies and organizations. He blames his failure on a society which has deprived him of opportunities to demonstrate alleged talents through his subjection by the dominant class. His personality is actually present from childhood. During adolescence, he ideologizes his traumas, takes refuge in any socialist thought,

and fills his heart with poison. The communists we have met in El Salvador are mostly social malcontents; in Chile, perhaps the Meluvilus and the Catrileos of Neftalí Reyes are different. In speaking of how the rich get their things, social malcontents are likely to say, "He just takes his wallet out!" But in order to get to the state where he just needs to take his wallet out, a man must have previously done creative work. When a mechanic acquires expertise, he may just need to turn a screw in order to start a motor and make a few bucks. One who has not done the previous creative work, training to become a good mechanic, may have to work some days in order to put the same few bucks in his pocket. That is why *generals only give orders*, *doctors only prescribe*, and that gets things done or makes them money. He who would just give orders, just prescribe, or just take his wallet out, had better get to work right now!

Money is not earned as a function of hierarchy, unless we are speaking of employee ranks. The *dominant class* makes money through its enterprises, its inheritance and its labor. Its members do not carry labels on their foreheads stating "of prominent ancestry", thus directing the flow of money from heaven to their pockets. Unlike other anti-capitalists, social malcontents need no ideology to hate the rich and the outstanding: their hatred is visceral. As could be expected, they pass for communists, socialists or thirdworlders, when what they really detest is the triumph of others. The social malcontent is a noxious being, a bad employee who hates the factory or enterprise which employs him, thus constituting an additional factor perpetuating backwardness in the Third World.

Another phenomenon which afflicts the Third World predominantly is that of the rabble. It is only secondarily related to a lack of education, and is more of a complex, subcultural, psychological, fundamentally urban phenomenon characterized by the almost total lack of a certain type of aesthetic values, and by the worship of a particular lifestyle, that of the neighborhood oaf. The poor do not have to belong to the rabble. Neither does the rugged individual, rejecting all scrupulousness and softness, like the typical warrior, belong in it. However, and for obvious reasons, members of the rabble are usually also members of the lumpen-proletariat. Poor aesthet-

ic sense is counterproductive, because it tends to lead to stagnation and social failure. The rabble tends to lose its individuality in the *subculture of oafishness*, and many of those so afflicted take the path of the social malcontent as a consequence. And the vicious cycle (oafishness—lack of appreciation of self and others—paucity of achievements) is perpetuated, resulting in anti-social attitudes and behavior, and in harm for the entire community.

There is, within the rabble, a special, more defined group, *the good-for-nothings*, which I also described in my first book. There is a nefarious congregation, of evil sentiments and psychopathic tendencies, but devoted revolutionary, and held in great esteem by the communists for its *defense of the poor*, which is really nothing more than hatred for the outstanding, and ultra-leftist posturing. Still, these and other similar groups can become quite important in number, and the people are always to be exonerated. That is the trademark of today's justice: no matter what, the people are never to blame! The people are you and me, him and them, and we may be to blame, often greatly so.

Assuming no wrongdoing, it would seem logical to judge a rich man we had never met as being honorable, devoted to work, capable, or at the very least lucky. But since money is not by far the only measure of honor, when we judge a man by his wealth, it is not the sum total he possesses which counts so much as the extent of his achievement in expanding the welfare of society. We do the same when we evaluate men according to their successes in professional or other fields. Judging the poor better than the rich is a subjective bias. The only *a priori* approach in this matter, if there were one, it would point precisely the opposite way. It is a fact, however, that circumstances are not always favorable for all men to exhibit their talents in the labor of creating wealth. Besides, the poor often manifest their contribution to society in other ways. Admiration for the achievement of wealth, though, now there is an attitude which fosters progress.

I do not defend permanence of positions. Merit must be rewarded with upward mobility in every ethical society. But no one should be forced to associate with anyone he does not choose, and not everyone fits everywhere. The upper classes

may be the object of envy, of sycophancy, and of calumny regarding how their assets were obtained, and their clubs thus tend to be less open. Only those who suffer from an inferiority complex, the social malcontents, and the communists feel harmed by this. Those who have appropriate self-esteem pay no attention to such minutiae. The worst thing is that there are those who are taking advantage of these situations to create enmity between the social classes. It must be said, however, that an important distancing factor in the Third World, more than the insensitivity demonstrated by certain members of the moneyed strata, is their thinly-disguised arrogance. Often subservient to foreign values, they act as if scorning the indigenous culture—usually cherished by their humbler compatriots—somehow elevated them. And such an attitude, in addition to distancing the social classes, makes them ill-prepared to defend the interests of the nation.

Neither am I unmindful of the harm not a few rich men cause to the group when their unfair and opportunistic actions prevent the harmonious and total development of society. This phenomenon is not worth dwelling on, however, since it is discussed separately in various contexts. What matters here is the general thirdworldist perception of the rich and of the natural consequences of wealthbuilding. We must change the prevalent mentality, and realize that some things are reserved for the few, and that the wealthy bring benefit to society. The satisfaction of *bourgeois* tastes and needs constitutes a legitimate requirement of certain levels of self-fulfillment, and diminishes neither labor resources nor the total wealth. Rather, it creates a favorable production-consumption economic cycle. Only actual waste is to be censured. Everywhere in Latin America there are luxuries and entertainment which few criticize as they should: bars and taverns are packed, not exactly with the rich; so are houses of ill repute. What the rich *squander* in building luxurious mansions or dining out in expensive restaurants benefits the poor more than the money that is spent recklessly on vices by the social malcontents and the good-for-nothings, among other things because in so doing the rich either consume nothing—in strict economic terms, investments in building turn into capital and into sources of labor—or consume no more than otherwise they would have at

a lesser cost. Whether a steak order goes for thirty dollars or for three, the same resources (the meat) are lost to the group, except that in the first case more money is put into circulation, away from the deposit vaults and, to a great extent, into the pockets of the poor. We cannot reduce the notion of social benefit to a single economic moment where the distribution of what is intended, let us say, to build a private luxury house, benefits more basic needs of a wider group of people. For that leaves out of consideration the economic moments that led to the creation of resources which allow such an enterprise. And in the absence of the incentive brought by the possibility of expending the created wealth as one sees fit and fulfilling—building a luxury house in our case—the mentioned economic moments would not take place. Such has been the outcome of every single socialist scheme.

Let us also mention here something that plagues Latin American countries, which is *machismo*. It is a producer par excellence of orphans, hoodlums, drunks, louts and prostitutes, and is so generalized a subcultural phenomenon that it almost constitutes a cultural trait. *Machismo* is most strongly manifested in the lower classes, where the evils brought about by it are instead blamed on the government (which can only be secondarily responsible) and on capitalism. One of its aspects, the lack of family conscience, cannot be excused either by economic or educational deprivation: it is a clear fault of *the people*. Primitive and other economically deprived societies do not regularly manifest this characteristic; poverty and honorability are not mutually exclusive. In El Salvador, for example, despite low salaries, the monies stolen from the people, and other situations creating economic disadvantage, families which remain united, where the father is neither burdened with machismo nor riddled with resentment or vices, and where there is a modicum of common sense, the next generation can expect a better tomorrow.

A fatal enemy of the Third World is the lack of planning at every level, and few aspects demand to be handled with more caution than the matter of available jobs not keeping pace with population growth. When the market is unable to absorb productively the incoming labor force, the people grow poor. This was hardly a problem when there was little population

growth. But today, when such growth is almost vertical in some Third World countries, the challenge to both free enterprise and the state is almost overwhelming. Patently, in the pure productive context, not family planning but development is the answer to the problem. But absent the latter and in the face of parental irresponsibility, institutional family planning measures may be justified, ideally through incentives.

Whatever harm the United States may have caused to our region, infinitely greater harm has been caused by scheming and inept governments. Third World countries do not constitute a uniform economic group for various reasons, disparity in natural resources among others. But those which have had the fortune of being led by men of clear heads and not driven by greed can glimpse a better tomorrow, or enjoyed times of prosperity during their rule. This fact puts into question (or at least reduces the importance of) the role of unfair-advantage trade and capitalist-imperialist exploitation. Nothing has been more injurious than corruption at high levels: unable to flaunt ill-gotten wealth, thieving officials have exported these monies and therefore deprived the people of needed resources. Low-level corruption is also damaging: while it does not remove capital from the country, it places resources in the wrong hands, promotes corruption at high levels, and disheartens the people. A black economy of fiscal evasion and generalized bribery may work, but it fosters abuses and trickery, and prevents good subsidiary planning on the part of the government. Unfortunately, Latin America has seen plenty of the above.⁸

As if that were not enough, as soon as the opposition manages to take over, it becomes bent on settling old scores: rather than working in a non-partisan spirit for the good of the country, it focuses on removing every last member of the old order, or on putting a stop to everything others have started no matter how valuable their work. The loser, in turn, does its best to prevent the success of the incoming administration in order to ensure its eventual demise, a typical drawback of immature democracies. For all these reasons, the education and training of the citizenry—which in our circumstances could have been achieved timely only through the agency of the state—have been woefully neglected. To mention only one

aspect illustrating the seriousness of the problem, look at the remarkable absence of technicians capable of repairing the industrial, medical and other machinery imported from the industrialized countries. As a result, this machinery is not used efficiently, and often goes to waste. Thus, less is produced, time is lost, foreigners replace native personnel, and capital is unnecessarily siphoned out of the country by the need to repair or replace prematurely worn-out machinery. Third World countries have also tried to reduce unemployment through inflating bureaucracy. This takes potentially productive resources away from taxpayers, allocates demagogically and anti-organically, sets an anti-praxical and politicized priority, and clashes with the third principle of nomocratic right. And things have reached such an extreme, since nothing functions as it should be, that when able people appear there is often no room for them; many end up emigrating, thus causing the country further loss.

Disunity and unequal treatment among its nations are other basic problems of the Third World, almost always originating in the vested interests of the ruling oligarchies, and resulting in a long series of conflicts. As I see it, all of Latin America should join in a great federation, which would constitute an imposingly strong and self-sufficient nation. It should at least make an effort to integrate a common market. Our peoples share so much that they could well agree to a union which would be in their benefit, although not to the benefit of those who take advantage of the weakness of its isolated markets. Matters such as oil and others in no measure favor a united policy to oppose the developed countries. And I speak of opposition in terms of natural market mechanisms. Just as Europe is doing, Third World countries have every right to unite in defense of their interests, in accordance with the most basic principles of capitalist philosophy. Among other things, union would create an effective barrier against communism. This does not please those who sail with Latin American flags, but whose goal is Soviet hegemony.

And socialism is a terrible enemy of the Third World. Although thirdworlders are not necessarily socialists, their emotional disposition tends to make them accept the socialist propositions. In its economic outcomes, there is a difference

between Masferrer's concept of the *vital minimum*⁹ and the honorable minimum wage proposed elsewhere in this book. But their philosophical bases and praxis are truly worlds apart. I cannot agree with the first concept because my platform is entirely capitalist and individualist. Two hundred years ago, people in the United States of America were rather poor. What has since been built would never have existed if the individualist principles stated in the Bill of Rights had been disrespected. Pointing at structural errors is easy when we are poor in resources: every disadvantageous economic situation can be explained away as the product of error. When we are rich in resources everything we do is *right*, unless we are incurably stupid. The Third World must learn to accept that their inherited patrimony does not equal that of the more developed countries, and that the only way to narrow the gap is by making the most out of their own patrimony by installing genuine capitalist economies at home. There may be no private Mafia-type enterprises under socialism, but there are state-run Mafias which manipulate our destinies. Had the Soviet Union, with its vast natural resources, labored under capitalism, it would undoubtedly be the richest nation in the world.

In the developed countries, *laissez-faire* may work even if it is left unrestricted. But, in the Third World, private enterprise is likely to find population groups to take advantage of through its great effective socio-mercantile power. It has not been at all unusual to observe that the demand of certain labors has risen and yet their remuneration has been even lower than before, suggesting a unipolar determination of prices. This, however, has tended to disappear insofar as such countries have ridden themselves of anarcho-feudal structures. Neither can we dismiss the play of adverse social circumstances and calamities.¹⁰ Besides, relying exclusively on private enterprise in those countries may well lead to the neglect of certain sectors of the population whose coverage is not profitable enough to attract private investments. Also, privatizing social services may render them unaffordable for a long time for people of meager incomes. It seems necessary, then, for the state to promote its customary public works in the Third World. This is actually a praxical moment of the principle of social providence. One consequence of the exis-

tence of public welfare institutions is lower savings, so it is said. But to envision a situation in our countries where savings could afford let us say a minimum level of dignified existence for the elder, one has also to conceive of an economic arrangement (on wages, patrimony) far more socialist than the simple institution of a public welfare system. In truth, the existence of state agencies or institutions for the provision of education, health care and other services for the needy, does not by itself imply either a mixed economy (in the Keynesian sense) or a socialist arrangement of society. It becomes socialism (in its anti-libertarian fashion) when the state closes the door to alternatives, and super-institutionalizes or apartycularizes service-providing organizations, which can then be easily converted into centers of oppression, discrimination or indoctrination. Besides, socialist measures are usually accompanied by attitudes which devalue creative work and justify despoilment. Such demagoguery has been practiced in the name of democracy, and capital flight has been one of its consequences.¹¹ And excellence of institutional, union and individual labor within a nation can only arise in an atmosphere of autonomy, subjected only to the fundamental laws of that nation.

This is a good time to return to our previous discussion of the minimum social opportunity. I told in my book on El Salvador how the absence of such opportunity, as shown by the general cultural deprivation and the lack of availability of the most basic public goods—most of them easily affordable—had been due to oligarchic maneuvers, cultural deficiencies, corruption, poor government administration and communist sabotage, not to entrepreneurial triumph by itself. All that we have discussed so far is responsible for the wider gap between the incomes of the rich and the poor in Latin America than in the developed countries. These circumstance poses a difficult ethical problem which can only be resolved by taking the relevant social dialectical moment before the highest criteria of fundamentalist justice of the group, never by simply copying the distribution patterns of societies with a more universal qualification of their peoples. Or are we to deem such societies unfair should a super-developed one appears with figures of distribution near to equality?

Now then, although it may not seem so, a considerable part of the population of the Third World enjoys an acceptable social opportunity. Because such opportunity must not be understood as facilities comparable to those found in developed countries, but rather as those consistent with the development of society in general.¹² The most important thing is to avoid acting in a socialist spirit, as exemplified by the confiscatory measures practically forced by the US in El Salvador* (the so-called agrarian reform, to wit) which violated every principle of nomocratic right.¹³

The last enemy of the Third World is the United States of America, but not for the reasons that might first come to mind. Whatever the mistakes of the past, it is worse to refuse now to fulfill the historical responsibilities of the present. North American imperialism—that is, in its classical formulation—is not the worst enemy of Third World countries. Whatever imperialist sectors there may be (or have been) in the US do not seem to represent the feeling that a nation can be a steadier ally in nationalist autonomy than in servitude. That is what we must consider the national ideology to be in this respect. I say this because the abovementioned feeling is a consequence of the ideology which forged the empire. Any pressure group which is not one with that feeling, or which would manipulate the fate of other peoples by means of a foreign policy which set aside capitalist tenets, contradicts the inherited principles and cannot be identified as with national ideology no matter how popular it becomes in government circles.

An empire based on conquest rules the native-born through the policy which it believes will provide the best ways to exploit them, yet keeping a reasonable degree of stability in the conquered land. Any underlying ideological motivation, if

*The text that follows was written under another historico-political framework, but already some of the predicted results have come to pass. For example, the failure to achieve a decisive victory in El Salvador has led to a peace where communist elements can engage in destabilizing maneuvers, as well as organize a support force that could, when the time is ripe, become a trump card to facilitate a renewed communist momentum. Still we must make the best of the situation, so let us work for peace and hope for the best. But dialogue would have proved more fruitful after a victory, and we would have been closer to peace. And let no one try to tell me that the democratic empire, had it resolved to do so, could not have cleansed the institutions and punished criminals of war.

it exists, would probably be statist in character, no matter the nature of the conqueror's internal economic organization. An empire based on legitimate alliance, such as one which is born out of the assistance provided to gain freedom from despotic regimes, becomes unified by principles both just and libertarian. The allies are independent, but they cannot fail to respect that principle because what happens in such cases is that a tyranny has been installed which, not just the metropolis but the whole empire, is duty bound to oppose. There is no imperialism under those circumstances, only a defense of the primordial reason for being of this type of alliance: safeguarding the principles of nomocratic right. In other words, the only political right that an empire has is precisely the duty to support the fundamental values of the allied nations.

Sovereignty is usually defined as the faculty of self-determination of a people free of outside interference, but this definition is extremely deficient and lends itself to fashionable anti-concepts. When a despot usurps power and sets policy, is that self-determination and sovereignty? Many assert that sovereignty resides in the people, but as we might suppose they identify people with majority, and thus the will of the majority becomes the exclusive expression of self-determination. This definition does not take into account the ethical nature of such determination, and refuses to grant the quality of sovereign to an authentically popular decision to support intervention by a foreign power. I propose that sovereignty be understood and defined as the faculty of a people to guide its destinies in accordance with its fundamental cultural values. A free people is, by definition, sovereign. Evidently, someone within that people will have to be involved in the defense of those values. Outside interference is not a structural determinant in this case; it only helps circumstantially as praxis demanded by the moment in history. And since fundamentalist values are always capitalist in nature, any intervention which supports them is sovereign.

It is praiseworthy the actual tendency in the metropolis to distance itself from its former vested-interests allies, the traditional oligarchies. But through a combination of the assaults we have discussed, this has also led to a failure in its historic responsibility toward its genuine (the ideological) allies, to

defend them from aggression. This lack of libertarian praxis poses more of a threat than Soviet expansionism itself, and may prompt the allies to a closer relationship with the rivals of the leader in order to avoid fighting them at a disadvantage. The nomocratic interests would be greatly at risk, but freedom may be maintained through the formation of large blocs which supported those interests and were able to do without the metropolis once and for all.

It is worse when people who are not ideological allies attain power, because then rapprochement with the enemies of the leader occurs in another manner. We are already seeing how certain socialist parties or governments are taking thirdworldist positions, renewing cordial relations with communist countries or harboring communist guerrillas in their territories. The worst thing is that the mechanisms for reciprocal military assistance, which could effectively end such local communist invasions as in El Salvador, have been rendered virtually useless. Latin American armies must open their eyes, lest they find themselves obligated to prop up communist governments for such questionable ideals as political neutrality and subservience to civil authority. When the political constitution is violated, the army—even more than any other sector of the population—has the right to rebel. Still, for reasons mentioned before, it is precisely such governments that the US is supporting. Unfortunately, intrigue takes precedence before principles, ideology and high-minded statesmanship. Obscure desires for power, and other factors, are seen as opportunities for manipulation, and advantage-seeking maneuvers are chosen over joint action with those who have given heart and soul to the cause. No aces under the sleeve can make such policies triumph over the long term; history so tells us.

The North American empire is a legitimate one because it is based on alliances which men in each nation forged with libertarian spirit. And the only way of preventing anti-sovereignty designs—expanding the image LaFeber attempts to depict as *the system*—consists in returning to such men the reins of the empire. The fundamentalist ideology and praxis of the capitalist empire must be revived, but not on the basis of the democratic prejudice. All the US needs is to widen its alliance base by supporting

the rise to power of nomocratic statesmen. The US is the depositary of a power it is duty bound to use well; both misusing and failing to use it are to be condemned, and they will provoke the consequent historical outcomes.

The system, with the communists now ramming the gates, can eventually collapse if enlightened policies are not followed. It cannot continue to consider Latin America merely as the US backyard, and it must avoid all undue interference in the internal affairs of its allies, respecting the particular idiosyncrasies of each one. Above all, the leader must make every effort to establish its system in the region through practical versions of capitalism. Justice is not found in the center. The center is nothing, much less dialectic synthesis. Only what is natural is just. This is not the time for some to feel guilty or for others to hate. It is time for a great awakening to a better tomorrow; the resources can be found in democracy. The US is historically in a privileged position from which they can show that it is possible to conceive of a functioning nomocratic-capitalist empire, based on alliances respectful of sovereignty.

Notes

¹Rangel, C., *El Tercermundismo*, Ch.V, pp.146-149. Monte Avila Editores, C. A., Caracas 1982. Rangel asserts that some countries, like Holland and Belgium, developed at a fast pace after suffering the loss of their colonies, primarily because they had acquired a progress mentality, and because colonialist countries were already significantly wealthier than their colonies (Ch.VII, p.209). It is important to note that much of the income derived from the colonies often had to go towards the military costs of maintaining dominion.

²LaFeber, W., *Inevitable Revolutions*. W. W. Norton & Company, New York 1984. Even LaFeber's description of the episode (pp. 115-125) leaves no doubt as to the ideology and purpose of the ruler. "By their works ye shall know them." Or, as we would say today, "if it walks like a duck and quacks like a duck..."

³Marx, K., *The Portable Karl Marx*, The future results of British rule in India, pp. 337-341. Penguin Books, New York 1983. The article begins thus: "England has to fulfill a double mission in India: one destructive, the other regenerative—the annihilation of old Asiatic society, and the laying of the material foundations of Western society in Asia." To Marx, however, Britain ended up by destroying Hindu civilization, contrary to other conquerors who instead assimilated the culture of the conquered.

⁴Marx, K., *Ibid.*, pp.337-341.

⁵The liberal position on this is that such prices are irrelevant, the problem being low agricultural yields: to farmer with higher productivity, elaborate products result cheaper. But as long as the demand for agricul-

tural products remain fixed, I am not so sure that the increased trading power brought by a higher number of produced units will not be offset by their devaluation.

⁶Rangel, C., *Ibid.*, Ch.IV, p.117.

⁷LaFeber, W., *Ibid.*, Ch.IV, p.238. LaFeber is one of the most typical representatives of third world ideology in developed countries.

⁸For these, among other reasons, it would seem a good policy in our countries that tax monies were assigned to extra-governmental service institutions, with the state acting as overseer of their management.

⁹Masferrer, A., *Obras escogidas*, Doctrina del minimum vital, Vol.II, pp.53-60. Editorial Universitaria, San Salvador 1971.

¹⁰As we have seen, the problem here is that an adequate minimum wage in the poor countries can only be met by a few enterprises, thus originating a wage differential depending on which enterprise one works in. From here the reason to even up all institutionally determined wages for comparable types of labor. But in so doing, given the general economic standard, minimum wages have to be set low, so low at times, that such measures as progressive or even selective taxes to booming lines of production are resorted to. We have enough reasons now to say that these measures must be a temporary praxis of last resort. What is important to realize from the above is that a general state of poverty can explain the existence of huge economic differences without thereby implying the negation of the common good. For it is the level on minimum social opportunity—which varies more and most significantly from place to place—that contrasted with the wealth of certain enterprises, impresses as an unjustifiable economic difference. In other words, the enterprises can go legitimately to the top relatively unbound by the local circumstances, because their success depends on creative effort, while labor will be more or less well off depending on the general degree of development.

¹¹The socialist third-world mentality makes investors feel insecure, and is a frequent reason for capital flight. The problem is a sensitive one, and demands careful study of right. It is undeniable that there is unjustified and premature flight of hard currency, but the right to property also includes the freedom of every person to choose where to place their assets. The state, however, may be granted special powers to regulate the transfer abroad of locally generated capital and the purchase of hard currency when regulation is absolutely necessary for sustaining a minimum level of welfare within a group. The basis for that is the first right to wealth: its depositary is the group, just as in the case of land. But in order for that to fall within the framework of nomocratic right, guaranteeing internally the respect for property is absolutely indispensable. Otherwise, either the government is violating civil rights or a situation exists which makes it impossible to guarantee them. In that case, although obligated to society, individuals cannot allow themselves to be robbed of the fruit of their labor.

¹²As I have explained before, certain distributive measures, or the channeling of individual right to an alternative expression, may be the right way to achieve the common good. Such procedures, then, would exclude all arbitrary *humanitarian* demands—so in fashion in the Third World these days—that employers assume responsibility for improving the standard of living of their employees, which usually implies a transfer of resources where they are less likely to be of benefit, to the detriment of the entire community. For instance: it is true that if an entrepreneur builds housing for his

employees, these will enjoy additional benefits, will have greater productive capacity, and in a humanistic sense will generally be better off. But had the entrepreneur been able to use as he saw fit the resources destined to build the abovementioned housing, he would have probably started another enterprise or made them available to another entrepreneur for similar purposes. But since that enterprise never gets off the ground, direct and indirect employment opportunities are not created, possibly resulting in poverty and stagnation for those who could have filled those jobs. In economic terms, the matter may be reduced to a simple equation: the benefits achieved by those who obtain (and those who build) new housing versus the benefits achieved by those who obtain new jobs. Experience has demonstrated that the second option is preferable for the purpose of creating wealth, because it does not inhibit the entrepreneur's intuitive bent for investment. What is not created in one aspect (housing) is created in another (new enterprise). And founding enterprises builds a platform for development and opportunities which creates more housing in the long run.

¹³The statist mentality may even reach the extreme of not even allowing the (individual) voluntary separation from the group of those who do not agree with the system. That is not for the state to regulate, and there is not even the excuse of forestalling a brain drain. In extraordinary circumstances, everyone could be required to keeping part of the patrimony—not what they may need to guarantee an acceptable level of fulfillment—within the group. Also, in return for the development which the individual has obtained through the services and facilities of the state—some types of education, for instance—the latter may demand repayment from the individual, but not that he remain forever tied to the group. A social contract is not a lifetime sentence: every association can be legitimately dissolved, and all implied commitments ended, when benefits are waived and the decision is made to sever all ties. That is a fundamental right.

CHAPTER VII

ANABAPTISTS

Yes, the Anabaptists are back, in new togs. Not the peace-loving sects which persist to this day, but a new crop, preaching brotherly hate.

Many liberation theologians are sincere in their love for justice, but their good intentions are obviously being manipulated by the mainstream of the ideological movement. Some follow socialist principles in proposing the establishment of such things as community enterprises, in the hope of raising the standard of living of the poor. They simply fail to grasp the advantages of the capitalist system. But there are others, the Marxist liberation theologians, who act like certain leftist radical Christians of the sixteenth century. Both share many characteristics, rebaptizing among adults, especially. Rechristening used to signify commitment to what the earlier group considered a fundamentalist church, which I will not presume to judge. For Marxist liberation theologians, it symbolizes embracing a new church, one that makes Christian doctrine and Marxist principles compatible, or rather, identical. Rechristening among adults, then, is established, and the Marxist Christian is born. For that reason, there is no doubt that the Anabaptists have returned.

Their principal objective is to create an anti-concept of Christianity, presenting it as contrary to capitalism in order to justify revolutionary struggle and a communist takeover by means of the pulpit and the cassock, all in the name of that anti-concept. Ibáñez-Langlois is clear when he tells us that many see a lay version of the Christian mystery in Marxism.

From that, he reasons that a salvaging, assimilation or Christian interpretation of Marxist intentions is being considered.¹ A temporary alliance benefits the communists while they prepare to attain power; they know they have gained nothing by trying to muzzle the faith. But if Communism takes over the world, God will surely be dead. Knowing that, Fidel Castro craftily asserts that communism and Christianity are compatible. If we distort Christian doctrine at will, we can make it compatible with whatever we wish. Castro obviously takes advantage, for his own purposes, of the lack of precise interpretation of the Christian message. The clergy must open their eyes: we must not forget that Lenin proclaimed the Communist Party duty bound to oppose religion, and there is no sign that, at the Party's core, that has changed. The truth is that many have no interest in the survival of the Church as it is constituted today; they want a new one to be born, inextricably melded with Marxism. Unfortunately, it is Christianity which will yield to Marxism, not the other way around.

Being baptized does not make one forever a Christian: pseudo-Christians care more about revolutionary action than about anything else. The sublime fact of spiritual revolution initiated by Christ is miles apart from the present politicizing of the clergy, which tries to justify itself through the oxymoron in the concept of Marxist Christians. To them, it is as natural as the idea of Christian physicians; only the sphere of action is different. If we are to speak of Marxist Christians, however, let us at least restrict the term to true believers. Communist guerrillas are devout only in their doctrines, and could therefore never be considered Christians. But the goal is quite transparent, and it is to paint a picture of masses of faithful Christians joining a Marxist bandwagon, in the hope that the picture becomes a reality. G. Zanotti* accurately classifies liberation theologians as *left-wing neo-Sadducees*—taking Sadduceeism to mean giving the mundane priority over the supernatural—actually non-Catholics who fall into Marxism immanency by believing that participation in the class struggle leads to salvation.

**La temporalización de la fe*, Instituto de Estudios Económicos y de Ética Social, Buenos Aires, 1989.

I said earlier that the present lack of spirituality weighs heavily on the Christian faith. If the faithful see a Church given to political intrigue, neglecting its pastoral mission, and using the pulpit to preach hatred, they will end up either distancing themselves from it or embracing its political standard; it is hard to say which would be more disastrous. Alarmed at the rising popularity of Marxism, the Church feared a loss of authority unless it supported *the cause of the poor*. A segment of it even started to consider switching its standard when it saw the extent of Marxist penetration in some economically disadvantaged social strata, and especially when a communist revolution triumphed in Latin America. By then, the Church had been infiltrated by communist elements. Thus, rather than reviving a fundamentalist apologetic, the Church succumbs and chooses a policy of populism. How can its latest Catechism offer, as a model for envy, the Biblical story of the rich man who, owning a large herd of cattle, still snatches the single sheep owned by his poor neighbor, while omitting the typical example of the poor who resent the prosperity of their brothers? Nathan uses an obvious instance of avarice to show David—whose sins included forgetting the law, lust, and perhaps envy—his lack of pity. In fact, this is the sin that David identifies in himself.

There is a political element in any religious sphere which concerns worldly affairs, and liberation theology cannot be the exception. But the Church cannot surrender to men's whims or give the highest priority to pragmatic considerations. Despite some of its postulates, the Reform initiated by Martin Luther largely remained faithful to evangelical principles and natural law. In the case of liberation theology, the politicizing of the clergy stands out as the most tragic and dangerous threat to the survival of the Christian faith: other dissident movements, including those of the left, have implied a breakup at worst; liberation theology implies nothing less than the elimination of the last vestige of the orthodox social thought of the Church.

Liberation theologians in Latin America have attempted to win popular support in a variety of ways. Initially, they formed Christian base communities, which have provided sanctuary for communist guerrillas under the guise of spiritu-

al assistance. They have also infiltrated universities and other institutions. Taking advantage of the pluralism allowed by the Second Vatican Council, they spoke of forming a new Christian society, questioning the traditional authority of the Church to prescribe catechism, with the aim to become *the voice of the voiceless*. And under the pretext of spreading the knowledge of the Social Doctrine of the Church, they spread pervasively left-wing religious liberal ideas instead, in order to undermine the faith which must assist the cause of freedom. Liberation theology defined itself in Medellín in 1968, when it condemned the institutionalized violence which kept the poor under subjection, attempting to transform the legitimate desire to cleanse institutions into a rejection of the established social orders themselves. The masses were exhorted to become fully conscious of the need to struggle for their liberation. At the time of the Council of Puebla, many priests and nuns had already become radicalized, and favored total struggle. The doctrines of liberation theology gained the greatest acceptance where unpopular tyrannical regimes, deviously characterized as capitalist, ruled. The struggle has been most violent in El Salvador, where some men of the cloth, including a former head of the Church, have been killed.

Liberation theology and Marxism

Marxist theologians often present Marx as a humanist, criticizing only that his ideas are based on a materialist conception of man. They seem to be telling us that if only Marx had been a Christian his entire doctrine would have been correct. Marxism and religion are incompatible all along the line, not only when it comes to believing or not believing in God. No religion can ever be compatible with a system of life which opposes the dictates of natural law. We cannot, therefore, agree with John XXIII when he suggests that there may possibly be a morally positive element in Marxist doctrine. Besides, other pontiffs have unequivocally stated their absolute opposition to Marxism.

We must here note an important U-turn: a document originating in Rome, which for the sake of brevity we shall call *The Instruction*, began circulating in mid-1984. This document

attempted to warn priests of some of the dangers in Marxism, as well as of some of the inconsistencies in liberation theology.² It provoked an avalanche of replies from liberation theologians, some in defense of its presumed spiritual endeavors, and others less openly defending Marxist principles, as we are about to see.

In response to *The Instruction*, L. Boff states that Marx can help us understand the reality of the exploitation carried out by that unpopular and exclusionary system which is capitalism.³ Taken in context, such an assertion implies an unquestioned acceptance of Marxist premises. Liberation theologians do not even contemplate the possibility that a man may be both rich and honest. Actually, the objects of envy are the creative and the outstanding; capitalism merely provides a socially acceptable target for the envious to vent their frustrations. In a pastoral-theological study responding to the abovementioned Instruction, I. Ellacuría—who used to be a radical Marxist, but proclaimed himself a Marxist humanist some time before his assassination—admits that some liberation theologians have fully crossed over into Marxism, and states that therefore the criticism in the Instruction properly applies only to them. But he goes on to say that Marxism is a useful means of combatting the oppression which capitalism has brought upon the world; a clearer position, although *revisionist*, is difficult to find. He also asserts that what capitalism does to Latin America is worse than what the Soviet Union does to Poland.⁴ This, according to him, demonstrates that capitalism is worse than communism, a flagrant prejudice if only because it does not carry the comparison all the way to the end: what Communism has done in Vietnam, Cambodia and elsewhere; what the Soviet Union did to Hungary, and even Latin America itself by exporting revolution. Whatever abuses of power the US may have committed in Latin America are tacitly exaggerated. But we know by now what we are supposed to conclude: that the United States keeps Latin America poor, while the Poles are at least neither malnourished nor miserable. It would be hurried to attempt a comparison on that basis, since the circumstances are quite different for Poland and Latin America. When Poland, with its European inheritance, fell into Soviet hands at the end of World War II,

it was already a very advanced country—much more so than El Salvador, for instance—and its population enjoyed higher economic and cultural standards. It makes no sense, then, to argue that capitalism impoverished El Salvador more than communism impoverished Poland, because even if there had been a negative influence of the US in El Salvador, it is impossible to evaluate comparatively what the Soviet Union would have done to Poland had Poland been as poor as El Salvador was when the latter supposedly fell under the yoke of the US.

Ellacuría dismisses mistakes committed by Marxists, arguing that they do not represent the core of Marxism, yet proclaims to capitalists that their mistakes are rooted in the system. A doctrine may be optimal, and still men may fail. Given everything we have said so far, this is precisely the case with capitalism. The opposite is true of Marxism, whose doctrinal principles are the source of error; accepting its principles leads inevitably to such consequences as the justification of a class dictatorship. In other words, the mistakes of capitalists are circumstantial, those of Marxists are structural and praxical. Ellacuría also speaks of a transcended Marxism which is compatible with Christian faith.⁵ But its transcended variety can only be a negation of the central doctrine: Marxism is indivisible and consistent from beginning to end, even though totally in error. Liberation theologians intend to smooth the point of class struggle, so they are able to confiscate private property with a better or a democratic image. Marxism has certainly changed in some places—in Yugoslavia, for example but only by denying certain basic principles of the system in order to allow a few freedoms. On the other hand, the more thoroughly and closer to its essence capitalism is applied, the more libertarian it becomes. The core of the Marxist message is the denial of human rights. Ellacuría would dispute this statement, arguing that such an interpretation of the Marxist message is only possible from the point of view of either an individualist conception of the human being or a bourgeois conception of rights. Here, actually, we depend on what each one considers a right, for which reason agreement will always be impossible. Who, then, truly interprets what is a right, and who uses anti-concepts? From our entire analysis so far, there can be no doubt that the only

true and libertarian conception of rights is the individualist one as we have understood it.

Christ preaches words which are to the human heart to interpret in the measure of its attachment to Truth. He does not contradict Himself in His parables: He preaches different praxes and shows paradigms. The poor for which the Kingdom of God is, and the rich for which it is more difficult to enter the Kingdom of Heaven than for a camel to go through the eye of a needle are precisely that. Paradigms are a normal and useful tool to our daily speech—"The noble knight", "The merciless savage", and so on—in order to convey a message as graphically as possible; and yet we know that most probably just a few genuine representatives of such paradigms are ever to be found.

Marxism cannot proclaim openly that it means to deny rights because then it would gain no adherents; no doctrine can openly proclaim that. It therefore creates an anti-concept of right which makes the doctrine acceptable to others, when in truth it means to deprive people of what is legitimately theirs. When Ellacuría speaks of bourgeois rights and individual conception of the human being, his goals become clear: the permanent subordination of the individual to a different standard of rights in accordance with Marxist tenets, which denies the legal expression of one of the great dialectical poles, that of the particulars, and therefore all of the principles of nomocratic right. Ellacuría defends Marxism as moral because it aspires to a classless society and the end of capitalist exploitation. He should heed his own words, and not identify the central doctrine of capitalism with instances of exploitation in history. And the first aspiration is inexcusable: the pursuit of a classless society is definitely immoral.

Religions are very clear on the need for a just and natural hierarchical order; it was not incidental that Jesus expounded on the way wedding attendees should be seated according to their status. Religions, however, are against any social ordering which offends human dignity (some Hindu and Islamic ones, for instance) which result from the distortion or improper use of religious principles, as when the verticality implied in the horizontal differentiation of classes is extended from the social to the humanistic realm. But if religions have preached

equality between men, they have done so in terms of their highest evolution—which, being absolute, admits no differences, with no intention of decreeing an equality of worldly achievements. Jesus tells how the laborers who started later, having done less work, still received the same pay as those who started earlier, most probably referring to the historical situation of each path to God, and to the abovementioned man's final transcendence. Some theologians stress here the teaching to the apostles about the value of service, but I think that Christ also intended to show them the freedom to do as one pleases with one's own possessions. Hinduism teaches that men are ranked differently according to their present earthly tasks. But this system does not reflect just a formal division of labor; it rather expresses a way of attaining fulfillment by performing the duties demanded by each one's nature, and a natural hierarchical order of earthly tasks themselves. Thus, no juridical inequality is implied, which is introduced by men, and the system is deemed an indispensable element of every good society*. Roughly, the Church, the government and the army, in addition to the business and service sectors, parallel the Hindu castes in present capitalist society. In the latter, of course, there is no fixed status nor lack of social mobility.

The Instruction is most successful when it takes up the matter of the historical perspective of the class struggle, because in truth, when the Church takes sides, as liberation theology has, it becomes a church for certain classes only. With contradictory arguments, Ellacuría attempts to deny that Marxist analysis refers to the class struggle at bottom, and would have us believe that the latter can be separated from other elements of Marxist ideology. His argument centers around a letter Marx wrote in which he asserted that the class struggle was only linked to specific historical stages of the development of production. This assertion cannot be taken as lightly as Ellacuría does, even stating that it speaks for itself.⁶ Unlike what we might think, Marx does not argue that wherever class struggle occurred it was due to abuses and failures circumstantial to the system. To him, wherever a system recognizes individual rights, the class struggle is

*See for example *Geetha Vahini*, Ch.VIII and IX. Sri Sathya Books and Publications, Bangalore 1980, by Sri Sathya Sai Baba.

inevitable. Therefore, since Marx assumed that only in some primitive societies were individual rights not recognized, and that such rights will also not be recognized when communism reigns, in any other type of society the class struggle would be the motive force of history. It is, then, as central to Marxism as the defense of the individual is to capitalism. He who denies the class struggle and pretends to be a Marxist is deceiving himself.

Ibáñez-Langlois also compares and establishes a parallel between the aberrant Marxist model of man's historical development and the Christian mystery of salvation. And this only because Marx postulates a beginning and an end to man, which almost every philosophical system does and will continue to do because beginnings and ends are the root of all philosophies. On that basis, any philosophy, or even Satanism, could be compared to Christianity, even if it was otherwise diametrically opposed in content. The content is much more important than whether beginnings and ends are postulated. Marxism cannot be rooted in Christianity simply because it offers a unified cosmivision of man and nature: cosmivision does not imply truthfulness.⁷ It is outrageous that Marx can even be thought to propose anything like Christian salvation: man has been offered promises of salvation, rarely reliable, by the thousands. We all want to build a more humane world. That is what Christians sought two thousand years ago, and they had no need of Marx. If oppression, dispossession, annihilation, hatred and contempt for human dignity paralleled it, we would have to oppose Christianity.

It is possible to conceive a theology of the left having never read Marx, and workable schemes of it too; but what liberation theology has primarily achieved is to free the ingenuous faithful from the anxiety of embracing two contradictory doctrines. By means of a marked distortion of the word of God, liberation theologians eliminate any guilt feelings which might result from adopting a basically anti-religious posture, justify envy and unlawful seizure, and channel the fervor which characterizes the defense of a faith into the defense of an immoral doctrine. If not the conception of liberation theology itself, then at least its cunning use has constituted one the most astute political maneuvers of the communists.

Some theologians have opposed *dogmatic Marxism* in order not to seem extremists. Paul Tillich, for example, claimed that dogmatism somehow contradicts Marx. Tillich tried to buttress his argument by explaining that he was a follower of the young Marx.⁸ A convoluted explanation, to be sure, because he could not have been referring to the young Marx who discoursed on Democritus and Epicurus, but to the young Marx who remained very much himself when he wrote *Das Kapital*, as Tillich himself recognized. And if we act on the thoughts and concepts in that work, we cannot but be dogmatic Marxists, and accept and promote conflict between the classes among other unacceptable consequences. That is undeniable, and for that reason these theologians declare themselves to be socialists.

The ideological biases of liberation theology

Many liberation theologians may simply be anti-capitalist, socialists and thirdworlders, and therefore reject the Western political system because there is still poverty in its midst, as if the world had never known poverty before, and as if capitalism, and not all mankind, had been charged with ending it. Liberation theology has strong roots in the Company of Jesus, for example in K. Rahner, among other things a Council adviser at the time of Vatican II. It started as a movement of the kind mentioned above, not in Latin America exactly, but following a tradition which began in the nineteen thirties or perhaps earlier, which was already evident even in some heads of the Church like Paul VI, and can be traced to John XXIII and even Pius XII, no doubt influenced by Gandhi. Of course, Pius XII condemned Communism, and we must make a distinction between liberation theology on the one hand and (new) Social Doctrine of the Church and Vatican II on the other.

In an encyclical, Paul VI accused capitalism of not setting limits on the right to property and of not placing a social obligation on the owners of the means of production. What are taxes if not a social obligation? Everything that wealthy capitalist countries possessed, Paul VI deemed superfluous. At the time, he deemed creating wealth in a nucleus bound to result in poverty on the periphery, dismissing the fact that the

wealth in the nucleus is mainly the result of independent economic activities, which cannot take anything away from the countries on the periphery. Just like Gandhi, Paul VI wanted progress-minded countries to turn over their surpluses to economically disadvantaged ones without any doctrinal or praxical notion of right. Did the people of the Old Testament share their wealth with poorer peoples? Did Yahweh ever demand that? Paul VI also appealed to human solidarity—which transcends human right—but branding individualism inhumane applies only to laissezfaireism. What seems to be at play in his reasoning is precisely a contrived notion of the poor countries' rights, derived from their supposed exploitation.⁹ If wealth was meant only to be distributed equally, no people could have built a city knowing that others had no roof over their heads, nor could Sai Baba have built a university in India while others around the world could not afford even elementary education. Of course, the followers of Baba will act in a spirit of service, but this, for reasons that need not be mentioned, will be channeled mainly in the benefit of their compatriots. We must be very careful in determining in each particular case who is truly selfish, he who refuses to make a sacrifice or he who asks others to sacrifice for his sake.

If we accept that it is right for man to enjoy something even though others may not be equally able to, all that remains to be discussed is to what degree. But in so doing, we have already accepted (meaning to or not) a fundamental tenet of capitalist philosophy. There is no automatic contradiction in the fact that riches and poverty exist side by side, just like there is none in the fact that there are both intelligent and stupid, or beautiful and ugly, human beings. It is those societies which attempt to correct such inequalities in violation of natural rights that enter into contradictions. Christ already warned us that the poor will always be among us. And this in a context of a natural fact, not of any sinful structure. However, since many of the poor cannot adequately meet their basic needs, I agree that meeting those needs must be the first organic social priority for any political plan of action. But the true preferential option for the poor is a matter of exercising Christian charity, not an attempt to establish juridical priorities on the basis of extralegal moral principles.

If we would defend the rights of the poor, let us follow the capitalist praxes and let us fight anti-capitalist tyrannies. If our aim is salvation or liberation, let us talk of renunciation, love and service. Many are aware that religion recognizes property; they merely want to ensure that it is not overly valued. But then the matter becomes simply one of living it in orthopraxis, and all that needs to be discussed is how such a right expresses in each legal unit. Communism, instead, proposes that it be abolished, and is therefore, from the start, incompatible with religion. Property is a divine gift which must necessarily be accepted. That is why religions have never called upon human law to dictate non-possession, just as they have not called upon it to enforce chastity. Ascetics, rather than sharing, practice non-attachment. And for a system of communal property to bring man nearer to God, it also needs to demand frugality and that offerings be motivated by the love of others.

In context, the Bible teaches us that man can be true to God in various states of spiritual evolution: in the midst of a legitimate particularization of right as well as through renouncing worldly possessions and devoting himself to enlighten and assist his brothers. The primitive Christian community of Jerusalem was organized around a life of communal property, which was never total, however: it was supported by rich members within it, for example. But such praxis showed an effort to be nearer to God, for reasons sufficiently mentioned, never the intention of opposing other legitimate forms of economic life. All the passages cited in chapter thirteen of part one not only describe popular uses and customs; they contain moral judgments on them. And it follows necessarily that God has always been in favor of recognizing the rights of those who merit the things of this world. For that reason the wealthy owner of the vineyard (and not the laborers) was found to be right.

To many, combatting arrogance, selfishness and impurity means combatting capitalism, because they learn only from the bad examples. Yes, capitalism may proclaim a moral duty to become wealthy, but only when that ensures a measure of common good. Ideally, every man who sets out to make a career for himself is driven in good measure by a desire for

personal achievement, but is also motivated to excel and to serve. Capitalists are no exception, and any criticism of them on the basis that they seek or defend their wealth is patently biased since, basically, they are just defending their rights. So the poor demand what belongs to them according to the rules of fair competitive trade.

The bishops of liberation theology deny that poverty is a temporary stage on the road to development, but consider it instead a product of inadequate social, political and economic situations and structures. That is partly true, because any inadequate structure will constitute a factor resulting in underdevelopment relative to the times. What those bishops now need is to identify the structures at fault in poor communist countries, and go there to change those structures. Many embrace socialism because they see only what it gives out (perhaps to those who have not earned it) and not what it takes away (probably from those who have earned it).

Religions have always belonged in the libertarian axis. Although capitalism only crystallized in modern times, it has roots in every previous system which respected individual rights. Religions command us to develop our abilities to the fullest and to make the most of our present labors: the warrior must endeavor to become the best possible warrior, and the businessman must endeavor to make his enterprise grow and become the most successful. In ancient times, much of what was deemed deserved wealth came from tillage and cattle rising. But it would be archaic from contemporary man to limit himself to such practices. The same holds true for such things as demanding he who has two dresses to give one to he who has none: we have now better ways to provide basic help. And obviously, giving away an extra dress does not lead to a lack of productive achievements, as giving away a means of production would. God would not command us today that we limit our profit to what is required for our subsistence, only that we limit it so as not to deprive those who do business with us from their minimum social opportunity. Patently, God is pleased more by a gratuitous gift than by a fair contract. But since we can aver at least a desire for justice in a community possessing fair laws, God will certainly deem such a community His people. All of it the word of God.

The Nietzschean noble and natural selfish feeling¹⁰ in Buddhism which leads man to perfection, is also found in Christianity in its proper hermeneutic. Perhaps it was due to the misinterpretation of certain Christian precepts that Nietzsche said that the only true Christian had died on the cross. This is not to say that spirituality must set aside the collective subject—I agree with Sobrino on this. But while a religious community or order possesses generic spiritual characteristics proper to the group, it is not the religious order itself but the individual, through his specific spiritual contents, who grows nearer to God. Otherwise, there would be no personal fall or salvation, as religion has taught through the millennia. If it were possible to give away spiritual achievements, becoming spiritually poor as a consequence—not in the sense of humility or of dependence in God, but of deprivation—a mystic would refuse to do that, and would act *selfishly*. Man always liberates himself for his own sake. He can only liberate others through his example; he does not pave their way. We must focus our attention on individuals, because it is within each of them that the kingdom of God can be found. Religions demand above all that man be true to himself: nobody earns a place in heaven just because he has paid his taxes. Existentially, it is more important to fulfill one's obligation to oneself than to others, although phenomenally the causation occurs in inverse order: our greater good is always attained when we forget about ourselves. Such is the basis for *selfish* theological individualism. God's commandments are really invitations to see ourselves in our brothers. Our neighbor serves as the primary referent of how in touch we are with our true selves. The kinder we are to our neighbors, the least self-centered our motives and goals, the closer we are to ourselves.

Paul Tillich is among those most responsible for the erroneous interpretations of capitalism and socialism held at the level of the clergy today, and his writings have served as fertile ground for liberation theology. In his view, socialism is linked with the proletariat as a manifestation of their situation, and constitutes the expression of their opposition to the bourgeoisie. It would serve no purpose to enter here into the sometimes wild lucubrations he engaged in order to justify socialism, based on a rejection of the reappearance of the *myth of origin*, and oth-

ers published in his work, *The Socialist Decision*, in the early thirties. Still, some other things are worth mentioning. His assertion that proletarians are the product of bourgeois society is unsupportable: excepting in cases of a certain social amorphousness caused by extreme primitivism, proletarians can be found in every system; they are just called by other names. The distinction between the proletariat and a passive majority—as conceived by Toynbee—is rather contrived. Identifying the proletarian in primitive societies might have been impossible. When almost no one possesses important accumulated assets, and when practically everyone must procure his daily sustenance by means of physical labor, the necessary division of labor to bring the proletarian to existence cannot take place. Proletarians are simply those entrusted with routine service tasks in an urban community; thus, they possess no capital, and are forced to subsist on the wages of their daily physical labor. The proletarian is not the living proof of a presumed contradiction operating in a society, but rather an objectification (of natural differences) brought about by the display of certain praxes of right.

For that very reason, it is false that he seeks to share equally in the economic benefits, or that he demands a standardization of needs. When he does so, it is out of envy towards those who receive more than he does, envy which he projects as a search for equality in order to justify it to himself. But in general, what he wants is to see his effort remunerated fairly, and will not have the state dictating to him what he should desire and need: he is not an undifferentiated mass, as socialists would depict him, but an aggregate of unique individuals. A unified proletarian interest can only be conceived at the level of ideal abstraction, but even if it did exist, it would necessarily be the realization of full individuality for each and every one. Tillich himself laments that the above expressed interest is being denied in practice — *The internal conflict of socialism*.¹¹ Socialism, opposed to the bourgeoisie, represents no more than a particular conception of what constitutes the true adversary of the socialist: individual excellence in the economic arena, which leads them to become convinced that the bourgeoisie has usurped power and subjected the proletarian to exploitation.

The only absolutism allowed is the nomocratic one, precisely because it prevents the despotism of anyone over others. Tyrannies of the right, on the other hand, are not particularly concerned with ideology, and depending on their needs subdue entrepreneurs and proletarians alike—only lazy thinking would label them bourgeois. As a matter of fact, socialism can become the perfect instrument of certain classes, historically and ideologically unrelated to the bourgeoisie, to exploit the proletarian. The system (or better said the actions) Tillich proposes would have one class dominate another in the name of ideal rational will. He expressly says so, equating the proletarian conscience to a universal rational one.¹² As Zanotti well puts it, nothing can substitute for the person as the goal of political society. Not the people, not the state and not the race, much less a social class. The concept of the person as means is typical of totalitarian societies. When the interests of the bourgeoisie identify with those of society, it is because the interests are rational ones, although this is less a matter for ideological than for historico-anthropological lucubration. At least formally, proletarians have gained power only in Western democracies, where they constitute the majority, since it is their votes which determine the composition of the government. But Tillich sees bourgeois domination instead, arguing that democracy cannot be gained through democratic means, only through a dictatorship of the proletariat. Let those who have ears listen. He may be right in pointing out circumstantial facts, but any designs of a dictatorship of the proletariat will end up redefining objectives and imposing a distinct, structural, oppressor class.

Still, we are told that somehow a dictatorship of the proletariat will not degenerate into communism because it will not destroy bourgeois society, as communism would, only take advantage of it. Thus, he advises German socialists (Social Democrats) to side with the basis for bourgeois principle while their ideas take shape, and as a means to withstand other more reactionary forces, taking care not to be betrayed. All of this sounds rather convoluted, but Tillich was greatly influential because he proposed surmounting the obstacle of the abovementioned socialist conflict through a new understanding of the socialist principle, according to which proletarians

will react to the bourgeoisie in the spirit of the latter, given that they are its consequence, and will become a prophetic movement based on the central symbol of *expectation*.

The proletarian has a right to hope that his needs are adequately covered, because that is the purpose of labor. Anything else would be deceptive, as for example when he is assured that he will be made knowledgeable about the totality of the productive process in which he is involved, implying that this will prevent the danger of the laborer being treated as an object as a result of specialization. Like every other man, the laborer needs to feel that he belongs in and that he matters to society, but the way to achieve that is through the realization of his potentialities. Making him knowledgeable about the totality of the productive process would serve only to give him false status. It is not necessary, either; that is why there are managers. And the way to make a situation more tolerable is not better knowledge of it, but better wages. This is the only concrete social justice that can be conceived, and which capitalism offers or tries to offer. *Expectation* is not unique to socialism: the capitalist principle also has the ideal of full realization for each and every individual.

I also disagree with the assertion that the prophetic attitude must be promised and directed towards the new,¹³ since that is true only because time marches forward. Divination is what really refers to the new, to the atomistically viewed event. The prophetic, though it does prefigure the future, is oriented and drawn toward what is forever true and necessary, and is therefore infallible within its context, unlike divination. And, in what concerns us, we reach the truth when we identify with our rational political nature. Communism and socialism may also be forever necessary, but never true. Nobody can create something entirely new, except within an emergent context or a very limited one of temporal appreciation. This is not political romanticism, but fundamental political science. That is why, even after one hundred generations, wise men would find nothing alien in a ruler which applied ideal will, as Confucius taught in *Moral and Political Treatises*. The demand for equality may turn out to be prophetic in the end, not in the human realm, but on other levels of reality where equality will be achieved through identification with the

absolute. At the level of the mundane, theology never demands equality among men, except in a prospective sense of everyone's capacity for attaining perfection.¹⁴ And when the latter is achieved, the individual, freed of all material bonds, transcends his individuality in order to become one (perhaps not in the sense of becoming God, but in the sense of incorporation at the maximum ontological level) with all of Being.

Capitalism, the system which represents the kingdom of God on earth, must fight in order to remain whole and establish itself worldwide, which is bound to happen for it represents the proper channeling of our self-esteem into the social realm. Communism or socialism may someday rule the world, but their rule will necessarily be temporary, a detour on the road to the decisive and permanent triumph of nomocracy.

Spirituality, poverty and wealth

It has become fashionable to expel the rich from the realm of the people, attributing to the former a false image of enmity and incompatibility with the latter. Depicting the rich as different from the people could only be accepted for the purpose of identifying the former as leaders. Sai Baba, a saint and a truly exalted being from what I know, despises neither wealth nor the rich. I am acquainted with several of his followers and impartial witnesses to his word and works, and they tell me, for example, of a famous industrialist who visits him regularly always being greeted, "Well? Yet another factory? Bravo!" Baba, of course, repudiates selfishness and preaches non-attachment and mutual help, but he also encourages recognition of individual merit and warns against envy. He knows that the rich industrialist will grow richer with every new factory, but he also knows that every new factory will increase opportunity for others, and therefore sees nothing to be gained from nationalization. A thousand examples can be cited to contrast with the sorry superficiality of liberation theology, but they are not necessary: a single fundamentalist interpretation of any religious text will do. Baba has already said, nobody will reach him through Marxism.

In Latin America, according to a J. Sobrino essay based on G. Gutiérrez, *The poor have burst in*, by which he especially

means to confiscate the lands of the rich so that, in belonging to the poor, they belong to God. The possession of the land is dedicated to God when His laws concerning right are kept. God may have said that the land belongs to those who work it, but He did not say that the hands were the only tools for working it. According to Sobrino and Gutiérrez, the water in the well of Latin America contains life, faith, hope, sorrow and tears, but is there only for the poor.¹⁵ What else, if not faith and hope, could motivate many of the rich—with little economic patrimony to defend, or expect to increase, in their fatherland—in their efforts to bring a country like El Salvador back from the brink, despite threats, terror and destruction? Dismissing their sorrow and their tears constitutes historical libel. In El Salvador alone, men of all degrees of wealth have been attacked or murdered in the thousands, but nobody seems to bother to keep count.

Defining the poor—only the poor, and for no other reason than because they are poor—as the people of God is so unqualified that it lacks any consideration of the need to cultivate the spirit. If the poor were blessed just by being poor, it would make no sense to fight poverty or to help the needy. Of course, the power of wealth can be unfairly used by the rich. But the poor can also use selfishly certain advantages over others, such as beauty, showing wealth to be only a circumstantial source of abuse, yet such a strong one that the rich is often depicted with that in mind with no further consideration. A class-based preference, like any other unrelated to intelligible values, is contrary to every moral principle and to the fundamental rule of nomocratic priority. Let us remember that the chosen people of the Old Testament were not the poorest on earth. Traces of Marx these, leading to the creation of a theology of classes. Thirdworldist notions here, memories of Lenin. And perhaps more than memories: ideology and militancy. Sobrino presumes to know the will of God in history—to ease the burdens of the poor, in his view. The parallel with Marx is interesting, except that the latter presumed to know the will of matter in history.

How can we possibly place spirituality in a historical perspective? Not by an encounter of the Lord with the poor which would imply their rise to political power, but by re-

encounters of man with God in history, which, as any sacred text will show, are not the exclusive province of the poor. Spirituality may be understood as the disposition which leads to God, especially in the proximate steps, the steps which the mystic follows. A man who serves God in the far-away steps, by being fair and honest or by being conscientious in his work, can also be said to practice spirituality. Thus, the struggle for freedom, the liberation of the oppressed, and the well-meant creation of wealth, can be considered to possess spiritual content. Now then, the fact that salvation occurs on the basis of our relationship with others does not mean that primacy belongs to the social rather than the purely spiritual realm, which is related fundamentally to the individual. To the spirit before itself, it is secondary, despite its necessariness, that what is good or evil occurs only in the context of human relations, since the spirit transcends and is ontologically more determinant than its referential frameworks. Thus, spiritual disposition—an existential reality though it shapes itself in such a context—is what fundamentally determines the nature of our relationship with others, and by extension the nature of social events, therefore constituting the cornerstone of salvation.

The rich react to their wealth in one of two ways: either they show pride in their work and inventiveness, or they display arrogance and a love for the things that money can buy, such as power, ease and comfort, and social status. In the first case, their pride is based on high-minded values; money itself plays only a secondary role. Such men are generous, lacking in vanity (to a degree, of course) and concerned about important social and humanistic issues. The men in the second group tend to be arrogant, presumptuous, stingy, even corrupt, unscrupulous and despotic. The first find friends everywhere, the second only within their own social class. If unfortunately the money runs out, the first maintain the support their humanism has earned them, the second are reduced to grasping at straws. The pride of the first does not change in their journey up the peaks and down the valleys of life, because it is based on their value as human beings and in the satisfaction of a job well done. A downturn totally shatters the second, because in their own minds they are worth only as much as

they possess. The first gain the respect and admiration of their peers, the second tend to be despised.

Just like the rich, the poor exhibit two main attitudinal categories, with infinite variations in between. There are the humble, who are easily satisfied, and are in this respect closer to God. They are loyal and respect what belongs to others even if it gains them nothing. They know no envy, and despite their poverty they know how to give. They owe their poverty to a lack of business skills or to a lack of economic ambition, but then we can expect nothing else than fairness from their part. And then there are the envious, lazy, vice-ridden, oafish, irresponsible, incompetent, resentful, and the lacking in self-esteem. Attributing a salvational spiritual disposition to a particular social class, is not religious but corrupt-ideology praxis.

According to L. Boff, in curing the sick and freeing the oppressed, Christ evidenced a preference for the poor.¹⁶ But without entering into the mystery of how Christ would go about curing the healthy and liberating the free, and although He could not fail to fight injustice and cultural biases—showing that God was also with those deemed cursed—any mundane liberation He could have offered was universal as it was framed within the spiritual. I sincerely doubt that He would support today the class struggle and the other means which are presented to us as Christian. Had the poor among whom the Christ lived been social malcontents, He would have rebuked them no less than He did the insensitive rich. In theology, there is only a non-classist preferential option for the philosophy of poverty. Christ lived among the poor and chose to walk with thieves and prostitutes, because they were socially outcast and the ones who had at least the virtues of humility and of trusting Him to find salvation. It should not be difficult to infer that salvation depends on attaining virtue (in this case through spiritual action) not from a simple condition (the need for salvation or for justice). In this context, then, being favored by God never means a higher status before Him, but rather being the natural objects of redemptive and solidaritarian praxis. To assert that the Kingdom is for the poor just for being poor, is to say that they cannot sin. Notice here the congruence with nomocracy, where basic subsidiariness focuses on the disadvantaged sectors of the population, but where

subsequent achievement depends on individual action. It follows that knowledge of the truth (the *praxis par excellence* for liberation theologians) is not the patrimony of the poor. But it was precisely a stumbling block for the rich and the Pharisees (general judgments and paradigms are used in religions as pastoral tools to convey better their messages) that they did not believe they needed the Lord. Most Pharisees possessed worthwhile moral and social values, but they lacked humility. And the rich, honest though many of them might have been—Christ never equated wealth with inherent exploitation—valued their worldly assets above everything else.

When the feeling of solidarity with the needy takes hold of a noble soul not yet prepared to follow the strictest road, the outcome may be inappropriate and counterproductive behavior. Examples abound of people who immediately give away all their possessions and in other ways alienate themselves from the world, only to meet frustration later or even to find themselves on the edge of a mental breakdown in the face of the harsh realities of an ascetic life. In the end, they neither complete the present work they were meant to do, nor find the peace and happiness they sought. Compassion (and charity) does not point out the subjects of our legal obligation; it rather brings us closer to those who suffer, and it elevates our souls. Without a second thought, the saint will take bread from his mouth to give to the most unworthy man in the world. But in order to qualify as a virtue, as in this example, charity cannot be based on the sacrifice of what belongs to others, and it must bring along (at least in some measure) love and non-attachment. And that is why the rich who do not evidence it by helping the needy beyond the demands of human law will not achieve spiritual purification and *will go to hell*—let us not enter here into lucubrations about God's mercy—but they will be accompanied there by the poor who do not recognize the merit of their brothers. Just as God's love, brotherly assistance is to be offered regardless of the merits of the recipients, but the transcendence-causing achievements at the spiritual level (grace) or at the mundane one (full individuality) are always reserved for the deserving ones. And this is how *logos* hypostasizes in *nomos*. Following our customary terminology, wealth can be considered to be a

gift from God as much as a product of labor. Thus, even if for divine justice the praxis of right is inferior to that of human solidarity, since we are not dealing here with the praxis demanded by charismatic gifts, such solidarity is not limited to meeting the needs of some; it also implies a respect for legitimate entitlements and demands rejoicing in the achievement of others. God therefore recognizes right as determinedly as He demands brotherly assistance.

Thus, although it is true that every ethical stricture calls upon us to feed the hungry and give water to the thirsty, the object is not to make them permanent wards. It is worth inquiring about the causes of hunger and thirst, or about the fact that the best help is to teach them how to meet their needs on their own. Religions praise the *just giving* attitude, because it is supposed to match a good spiritual disposition towards our brothers. But if we do not exercise our discernment, an act of charity may just waste a resource which could have helped better to satisfy other needs. Not even God can explain everything in a single phrase. If we give our belongings to everyone we meet on the road, we shall soon have to go begging ourselves. This is appropriate only for the Franciscan hearted, not for those charged with creating wealth, or as a policy of society. Charity is primarily a humanistic, not a social exigency.

Need cannot be an absolute and permanent standard of demand—that would violate the second and third principles of nomocratic right—not even for the things of God, except in the context of the ever present opportunity to side with our brothers. It should be clear by now that in the Covenant, mercy was never equated with justice. Probably due to the poverty of ancient Hebrew, there are connotations of the term related to virtues, which differ from the ones which concern us. In any case, they never suggest us that the burden of poverty inflicted by the evils of vice, oafishness, machismo and parental irresponsibility be blithely passed on to the whole of humanity. It was with the pretext of social guilt that surrealists wanted to free all prisoners, even though they also recognized that the human spirit is capable of saving itself.¹⁷ True, society must endeavor to create the best possible environment, which poverty is not, but medicine to get rid of worms is less expensive than a bottle of liquor, and a bed costs less than a drunk-

en bout. Charity begins at home, and no one is more responsible for ourselves than we ourselves.

Religions have been so demanding that men act meritoriously, that those who get the minimum endowment of spirituality will lose it if they do not cherish and nurture it; the word of God.¹⁸ The Social Doctrine of the Church, and Christian theology in general, maintain that the Kingdom is reserved for the poor, but they also consider a duty to liberate man from historical poverty. Thus, poverty must be seen in a special context to be worthy of God. So preach Krishna, Mohammed and wise men throughout the ages. When Christ asks the rich man to give to the poor, it is in order to elevate him to a superior spiritual status, in other words, to save him. God approves of the man who is indifferent to material possessions, but not because He thus fulfills *the rights of the poor*. This is a gross appreciation which turns all ethical and natural values around.

At the same time that there is a link, there is also a subtle but most important difference between the strictly moral obligation to help (in cases beyond the limits of the law) and the right to be helped (in cases which are object of juridical obligation). Unless this difference is kept in mind, practically any need would justify despoilment, and any natural calamity which would affect the economic wellbeing of a group would be just cause to make war on neighboring groups if they did not provide the needed help. In the evangelical spirit (the attitude toward) need is simply one of the most reliable parameters to assess spiritual disposition, but it cannot in any way serve as a basis to question the entitlements of a man who has accumulated wealth in accordance to the (legal) norms accepted by every moral society. If he refuses to help his brother in need, all we can do is to pass moral judgment on his indifference. Others practically ask the rich to abide by the principles of renunciation without offering to do so themselves. It is not for *new Christian morality* to regulate the political freedom of men to dispose of their wealth how they see fit; that must be left to human justice, and must enjoy the highest possible degree of juridical deregulation. The only limitation divine justice sets for the use of wealth is that it is also projected according to the terms we derive from sharing in God's nature, and

to His ownership of Creation. But since those terms also express in the praxis of natural law, if a poor man takes what does not belong to him, action must be taken against him. Religions have stressed even more that ideologies the primacy of justice over need. We must understand, however, that there are degrees of poverty which border on desperation, and are offensive to human dignity, whose preservation is both a religious and a social goal. Thus, society must do everything in its power to make life tolerable for the very poor. All of the above-mentioned is consistent with the capitalist notion of the dismissal of need as a source of right—given its evident contradictory nature when universalized—while stressing the rationale for universalizing merit as such a source.

Exodus (in the very Codex of the Alliance!) quite clearly commands us to prefer neither the majority nor the poor, but justice. Leviticus repeats the same. I cannot see how, within this framework, the rich can be (legally) asked to give everything up, as liberation theology's annotated Bible for Latin America stresses so often. Making the materially poor the theological place is simply an excuse to seize what belongs to others. Spiritual disposition is the theological place, where God reveals Himself par excellence. That is why divine grace is also obtained in conditions of wealth—the story of Abraham should dispel any doubts in this respect. When the human soul is one with the will of God, He bestows wealth as a blessing; the Bible specifically says so. Otherwise, wealth can be a curse.

In general terms, we can consider acceptable that degree of poverty which does not preclude an honorable minimum, because he who lacks even that is subject to the resultant pressures and is therefore defenseless against the arbitrariness of the mighty; such were the poor Christ knew. But because they are compared to the very rich, the term "poor" is usually applied to those who can count on at least an honorable minimum as well as the means to maintain it. Such poor are actually just less wealthy. What, then, of the groups where, through a series of cultural and historical circumstances, true poverty cannot be eliminated? If it is due to underdevelopment, and there are only a few men of wealth, even total expropriation will hardly alleviate the circum-

stances of the group; and this is only for a short time before stagnation ensue. How is it then that *correcting injustice* only makes things worse in the end? At least in ideological terms, that is due to the absence of qualification of right, which is anti-motivational in that it means the implementation of an anti-natural praxis.

And what of those cases when the rich have contributed at least with the social demand to alleviate the needs of their fellow citizens, but their contribution has been poorly managed or has ended up in the pockets of corrupt oligarchs? We will leave it up to the reader to answer the above questions according to his own conscience. My own feeling is that there are only two groups with which God has always identified, and with which He commands everyone to identify without reservations (in the sociological context), and those groups are the oppressed and the just. We must recognize that the rich are exposed to indiscriminate hate merely because they are rich, and that oppressors do not differentiate much between the rich and the poor. Much has been said against greed and selfishness; it is time now for a word against envy, the worst of human shortcomings. Unlike the greedy, the envious cannot rest until they witness the fall or disgrace of the object of their envy. Only envy is joined with hate, and as if hate were not enough, selfishness. While the first sin committed by man was the result of disobedience or arrogance, according to the Bible, his first truly evil act was the outcome of envy.

It is interesting how our daily use of language can prove misleading: when we refer to those who accepted Christianity at the time of the Roman Empire, we call them the people; when we speak of those, no less poor as a rule, who either asked for the crucifixion of Christ or persecuted the Christians, we call them the mobs or the common people, using "common" in a pejorative sense and not simply to denote a lack of noble ancestry. On the other hand, and not as mere paradigm, there are those who would have us believe that all the poor in the world are good; we see this in romantic fiction (printed, staged or filmed), but here we must call it demagoguery. Poor though most of them were, God never judged as virtuous those who made war against His chosen people, to

cite just one example. Many among the poor are not despots only because they lack the power, yet their tendencies in that regard are clearly shown in their relationships with others, including family and work.

The *spirituality* of liberation theology

Attributing a political role to Jesus Christ is not totally misguided, since the divine must project to the human and to the social. Since at those times the poor were pariahs, deemed sinners and cursed by God just for being poor, it makes sense that Christ opposed such lack of brotherhood and sided with the *anauuin*. But the fact that Jesus fought for the liberation of the outcast has given rise to a false analogy. Neither Christ nor His followers had a political goal other than recognizing the rights of the outcast as individuals, not really a socialist pursuit. It is worthwhile, then, to analyze why Christ also demands conformity, the poor are called upon to accept their poverty; that, however, was said to stress the primacy of the ultimate goals. The best way to understand Christian teaching is the contextual one, that is, integrated to the entire human religious inheritance: he who suffers injustice in resignation will be rewarded by God, but the struggle for the oppressed, as Exodus so clearly states, will be equally holy in His eyes. Many liberation theologians oppose indiscriminate violence in their publications, because to do so openly would not suit their purposes. What they say from their pulpits is quite different from what they plan in secret with Latin American communists.

K. Rahner¹⁹ identifies spirituality with the social demands of the group, an unacceptable thesis because spirituality in essence is one, and cannot be subject to arbitrary variations like the demands of the group. Besides, he proposes a new theology created from below by the base communities that limits itself exclusively to protesting a presumed right-wing repression which, in rejecting brotherhood, prevents the spiritual rebirth of the people. In the face of the evidence, the same Jesuit priests of the Catholic University of El Salvador are already admitting that there is a terrorist violence which cannot possibly be justified—Ignacio Ellacuría himself said so.

They cannot continue to espouse total support for the guerrillas, of whose outrageous abuses the people are well aware, without losing the confidence of the latter. But at the beginning, when the people were confused, these priests had no objection to fanning the fire with their support for the revolutionary crimes. Ellacuría, in all likelihood one of the main instigators of the violence in El Salvador, attempted to wash his hands of any responsibility.

It is inconceivable that we are given Monsignor Romero, who acted more than once as a simple agitator, as a model of spirituality. It is true that Monsignor Romero sided with many noble aspirations, but with many ignoble ones as well. A minister of the Church, an Archbishop even more so, must guide the faithful properly. "If the rich do not hand over their rings, their fingers will be cut," may bear a prophetic judgment; but even in this case it must be withheld if it incites to cut fingers indiscriminately. Thus, many liberation theologians sought to ingratiate themselves with the masses. Such priests cannot be exonerated for unleashing hatred against entire groups by depicting them as enemies of the people. The liberation theologians in El Salvador hardly noticed the communist rhetoric, inflamed with hatred, or the sordid slogans of revolutionary songs. The message of such phrases as "...a profound transformation of the system of property, the rise to power of the exploited class..." (typical of G. Gutiérrez, the initiator of liberation theology as such) is contrary to the conciliatory goal that any church is bound to pursue. Every anti-natural social system is in itself the source of structural violence. This violence can be opposed by another, demanded by God, of legitimate response, and circumstantial—which must be truly rational (and its means and actions noble) in order to be legitimized by Him and manifest spirituality. Poverty does not justify by itself taking up arms; injustice does, even in the midst of prosperity. He who perverts this maxim demonstrates sheer utilitarianism.

Sobrino asserts that liberation theology emanates from God because it communicates spirit,²⁰ but nothing has ever communicated spirit, neither at the humanistic level, by denying legitimate ways of human fulfillment. The liberating praxis which the historical Jesus lived never departed from natu-

ral law, merely raised it to the transcendent. Liberation theology has distorted not only the dogma, but the figure of the Son as well; therefore its pastoral praxis. We distrust the kind of spirituality which inspires (in the poor) refrains against *those who live over there** instead of songs of faith, hope and joy. We distrust the so-called spirituality which provokes social malcontents to leave church eager to sharpen knives and load machine guns. We distrust the spirituality of the FMLN and the Sandinistas. Everyone in El Salvador remembers the spirituality which the Marxist priests of the time communicated to the Indian chief Ama in 1932.**

Religion is beyond time and history; that is, considered in all its praxical fullness, it belongs in all times and places. Its fundamental principles and absolute value-moments cannot be valid for some periods and not valid for others. Liberation theologians do not fail in seeing salvation as history: spiritual enlightenment can only occur as a result of becoming. Where they are wrong is in placing salvation in the context of historical materialism, even presuming to point out the Egyptians of today. And against the evidence, Marxist liberation theologians brazenly pretend to reject the historical model of the class struggle. Because they believe that, in doing so, they will have God on their side. In the face of the moral dilemma posed by the fact that good people can be found at the heart of all groups in conflict, men can choose according to the ideological cause. Liberation theologians so do, but what they pretend to reject as a theoretical model they imagine to find in every single capitalist country where poverty exists. Thus, they never ascribe the latter to circumstances or sheer tyrannies, but to exploitative mechanisms set by the rich qua rich. To put it in other words, every rich person is a structural oppressor. Perceiving each speck of greed and selfishness in others, but

**Editorial note:* In the first book by Gómez-Zimmerman, *El Salvador: Who Speaks for the People?*, *those who live over there* refers to the inhabitants of upperclass residential areas who, according to the author, were the object of indiscriminate attacks by the communists merely by virtue of their social status.

***Editorial note:* Feliciano Ama, an Indian chief, became famous during the 1932 revolt by the Indians in El Salvador. He committed cruel acts (according to Gómez-Zimmerman) at the instigation of the communists, who channeled for their benefit the racist sentiment of the Indians against whites and mestizos.

not the plank of hate and envy in themselves, they reserve the right of throwing the first stone. The death of liberation theology priests in Latin America is labeled the death of Christians, yet many died on the battlefield, fighting for their new faith. Those poor executed because they oppose communism, on the other hand, are hardly ever described as Christians.

And Sobrino boasts that liberation theology has attracted a solid following. Naturally! Anybody who promises social malcontents the heads of presumed exploiters will gain their loyalty. The bad ministers have recruited followers for Marx, not for Christ, and political assistants who go to rallies, not to church. Already there is increased awareness of who are the false prophets and carriers of evil. I accept freedom from unjust poverty as a moral imperative, but reject liberation theologians as judges in such matters. Which is the church of the rich and which the church of the poor? Is it not time to start speaking of the church of the just? It is in defense of the men of good will, be those rich or poor, that our actions manifest spirituality. We must not forget that while Christ was born in a manger, Buddha was born a prince.

May the long-suffering, the forgotten and the oppressed inherit the Earth. If they act justly, God will always be on their side; if not, He will soon designate their successors.

The church persecuted

The lack of an adequate apologetic has put many good Christians on the defensive, especially in the Catholic Church. With the best intentions, they give the wrong image; they are afraid, with good reason, of losing their following, having let others appropriate the concepts of justice. The struggle to retain the faithful must include a plan to re-educate them in accordance with true Christian principles. The main threat against the Christian Church is internal erosion from a rising tide of misguided followers. If those who should not be are victorious, the physical persecution of the Christians may only be a matter of time. The Church is being subjected to ideological assault on the part of left-wing intellectuals among the clergy, mainly some contemporary Jesuits who act contrary to their great tradition.²¹ But the non-Marxist ones can still be res-

cued. I understand the suffering of the good pastors at the misery unworthy of twentieth century human society, and I am aware that many of them are in the bosom of liberation theology. These true Christians and men of good will, everyone awaits with open arms.

No attack is more painful to the Catholic church than the accusation of inhumanity and insensitivity to the needs of the poor, aimed at forcing it to take a conflictive stand. And this has been achieved to some degree: even though *The Instruction* constitutes a step forward, the document continues to make the same mistakes, despite being an attempt at counter-reformation. Liberation theology should be attacked not only for communing with an atheistic doctrine, but also because that doctrine is anti-natural. Because a thousand times worse than being an atheist and acting on the basis of just principles is encouraging injustice in the name of God. When the abundance attained by a few is the product of their virtues, and when the indigence of others is due to their vices and shortcomings, no "scandal of irritating inequalities" can possibly exist. Vatican II is off track by far: it is injustice, not inequality itself that must be challenged in order to foster brotherhood. Such inequalities often indicate that a degree of talent has been at work, creating wealth. If that talent had not been there, or would not have been allowed to develop, no great economic differences could be seen, but the group in general would be poorer. That is precisely what happens in certain communist countries. Yet as soon as poverty is shown to be generalized, there is no longer talk of injustice! Enough with giving Marx's theories so much credit!

I agree that unequal treatment must disappear from international commercial agreements, but as long as the Third World persists in its defects, the distance separating it from the developed countries can only increase, and the latter cannot be blamed for that. Yet *The Instruction* continues to depict the poor as God's chosen—without relation to the historical moment—and capitalism as generating inequities, although surely meaning mercantilism, since anyway the (new) Social Doctrine of the Church acknowledges for nations as well as for the individual the right to economic initiative. Above all, the Church still needs to rid itself of all forms of populism in order

to confirm its role as the defender of permanent principles, and its position as depositary of transcendental knowledge. It is also necessary to reaffirm the truth in the light of the wisdom of other religions. That is how the Church must adapt to the new age.

I believe that when the Holy Father says in an encyclical that the destitute South will judge the prosperous North, he does so in reference to the indifference with which many countries in the North view the needs of their brothers; he is absolutely right in this regard. However, his position (which I do not share completely) is different from that of many Marxist priests, who practically incite the poorer countries to go to war against the richer ones—we wonder whether they include the Soviet Union among the latter. If the Soviet Union does not produce enough grain to help Ethiopia, they could send money for food instead of weapons. The popes have repeatedly condemned such preachings, but it would be consistent with the Social Doctrine of the Church for the wealthy churches to share their great treasures with the less prosperous ones. More recently, the Vatican has stated that armed struggle is justifiable for the purpose of obtaining liberation from a tyranny, but when (in evident reference to Marxism) it warns against falling into totalitarianism, it gives the impression that all tyrannies we have to fight are of the right. Although the Vatican certainly opposes communist tyrannies, it tends to do so using a softer and less compromising rhetoric.

The Catholic Church has lost its traditional fundamentalist course. Besides, too many members of the clergy are influenced by socialist and thirdworldist ideas even though they are not liberation theologians, and are affected by the same *mea culpa* syndrome as North American liberals. The non-communist Catholic Church is, as the saying goes, between a rock and a hard place: it feels it risks being accused of defending the rich lest it propose at least a form of socialism. Of course, I am aware of its good intentions, and of its rejection of statism. But since those intentions are not properly conceptualized, they are ambiguously reflected in its social doctrine. That is why fundamentalist ministers are duty bound to launch a new and truly praxical counter-reformation. There is

no need to fear such a thing: look at Latin America itself, where the Word—as preached by so many Protestant ministers—finds significant acceptance. One notable outcome, rather than social malcontents, is the poor rejoicing in the achievements of their brothers.²²

It is quite an infrequent occurrence these days to find a Catholic priest who, willing but unable to identify with his roots, communicates the true teaching of God in matters of the group and the individual: most give priority to the group, and go on in that vein. Yet the life, word and works of Jesus Christ give the lie to that, since in Him doctrine and praxis make the individual paramount: pointing out differences between men—the called and the chosen, for example—confirms the primacy of the individual. The Lord's Prayer contains congregational pleas, but does not promise unqualified fulfillment for each member. This is so obvious that it should be made a part of dogma, with all its consequences stated explicitly. The Church should avoid adapting its doctrine to the demands of the moment in contradiction of dogma. Between proselytes and dogma, there is no choice: dogma is paramount because it is supposed to be for man, nature and truth. Of course, that does not imply rigidity—dogma must be praxical—or the rejection of the former as objects of Christian charity, but definitely their rejection from the helm of the destinies of the Church. In any case, dogma always has followers. Thus, a theology cannot be deemed popular merely because it supports or identifies with the poor who constitute the majority, as Sobrino asserts.²³ Will theology change if the rich become the majority? More than an *aggiornamento*, what is needed is a theology for all times and places, which can only be universal when it touches each and every individual.²⁴

The disastrous consequences which result from the Church unduly taking sides in struggles between brothers—radicalization of the population, hatred, loss of faith—should be seriously considered before taking such a step. Catholicism may suffer a crisis of immense proportions as a result of liberation theology doctrines, and perhaps should already be divided into liberation theologians and conservatives. At the very least, the Marxists among the former should be substituted by genuine representatives of the principles of the New Alliance.

Let us now, taking care not to overgeneralize, point out some differences between liberation theology and what we might call fundamentalist theology:

	LIBERATION THEOLOGY	FUNDAMENTALIST THEOLOGY
Conformation of the church	By the faithful or not. Acceptance of God unnecessary	Exclusively by the faithful (yet excluding no one from assistance or redemption)
Socio-political vision	Identified with a social class it attempts to promote into power	Identified with the meritorious individual regardless of social class
Humanistic perception of man	The poor are a humanistic priority regardless of reasons or conduct*	No pre-established humanistic priority, but one which prizes a life less centered on the material
Historical judgment of poverty	Due to exploitation which must be resisted. In contrast with the Scriptures, the role of personal shortcomings is disregarded	We know from sacred history that poverty may also be due to natural calamities, in which case we are required to bear it with resignation
Rights of the poor such	Based on need	Only those based on our brotherly obligations
Fundamental social dialectic	Contradiction of interests; class struggle necessary to overcome such contradiction	Not specified. Brotherhood and other precepts show the opposition of interests between social classes as amenable to conciliation
Recognition of merit	Only in spiritual matters	In material as in spiritual matters
Universal destiny of goods	Unqualified by historical facts*	Only within a context of right

*Viewpoints indicated by asterisks are, at least in some measure, shared by the contemporary Social Doctrine of the Church

	LIBERATION THEOLOGY	FUNDAMENTALIST THEOLOGY
Obligation to others	Forced by statist measures; charity obviated by the proposed political system. Primary obligation is to men, not to God and to oneself	Within a particularized framework of right; the rest is demanded in the form of charity for the sake of spiritual liberation, but remains voluntary
Redistributive praxis	Structured and socialist	Nomocratic and adaptive
Positive vision of property	Only when it is approximately equally distributed	Considered a blessing if it is obtained and used according to moral laws
Negative vision of property	Viewed as a tool for exploitation, following Marxist tenets	It may subject man to spiritual dependence
Rejection of <i>bourgeois</i> (nomocratic) right	Mundane (political) and forced	Transcendent and voluntary
Salvation in relation to goods	Distribution, as a social act, itself ensures salvation	Salvation ensured only by detachment from goods; what is fundamental is detachment, not distribution
Theological place	Material poverty	Spiritual disposition
Role of society in spiritual liberation	Active; one can only achieve liberation through others as determinants of one's own morality, and not as mere objects of service*	Passive; man liberates himself through self-sustaining spiritual dispositions, except he cannot do so without his neighbor as a referent of moral action

The present movement has only recently acted under the banner of liberation theology, but the clergy (particularly at the Company of Jesus) had long been infiltrated by communists. Liberation theologians were mainly entrusted with infiltrating Latin America, initially at the level of secondary education. The Jesuits were prominent in the Externado San José in El Salvador as the Maryknoll Order was most effective in the Colegio Monte María in Guatemala. Although these have been the recent roots,

Marxist priests were already active in El Salvador in 1932, as well as in the Spanish Civil War. And that dates from even further back: even before Marx, there was a leftist clergy. But as far as I know, apart from a few noteworthy events without major consequences, the first well-organized movement of this type was constituted by the Anabaptists of the sixteenth century.

We all criticize the fact that crimes committed by members of the armies in Latin America are covered up, and we demand that the guilty be brought to trial. How long will the Catholic Church continue to tolerate priests fraternizing with the criminal communist guerrillas? Liberation theologians would do well to understand that the capitalism they hate so much has had precursors and analogous systems through the ages, where (within the limitations imposed by the times and human nature) it has brought prosperity and at least a measure of justice. In the face of a fundamentalist interpretation of the sacred texts, liberation theologians create anti-concepts; the *selfishness* they so criticize is the primordial attitude of the man of here and now vis-a-vis the environment, and the essential fulfilling drive of the biological, mental and spiritual self: if it were harmful for us to help others, we simply would not do it. Reason would not support it, nor God demand it.

The Holy Father is in a most difficult position, trying to prevent his church from splintering. But for how long? Because, even though lately his efforts have resulted in a steady curtailing of pulpits for the activism of liberation theologians, they continue to preach their line. The Holy Father is a wise and determined man, although diplomatic and prudent. We all hope he will light the way of truth, and that he will set an example for the pontiffs who are to guide us in the morrow.²⁵

Notes

¹Ibáñez-Langlois, J. M., *El marxismo, visión crítica*, Ch.VIII, p.324. Ediciones Rialp, S. A., Madrid 1975.

²The full title of the document is *Instrucción sobre algunos aspectos de la teología de la liberación*. It was promulgated in Rome at the See of the Congregation for the Doctrine of the Faith, with Cardinal Joseph Ratzinger acting as Prefect, and approved by His Holiness John Paul II. This document can be consulted in the periodical mentioned in note three.

³Boff, L., *Revista Latinoamericana de Teología*, May-August 1984, p.230. Centro de Reflexión Teológica, Universidad Centroamericana José Simeón Cañas, San Salvador.

⁴Ellacuría, I., *Revista Latinoamericana de Teología*, May-August 1984, p. 174. Centro de Reflexión Teológica, Universidad Centroamericana José Simeón Cañas, San Salvador.

⁵Ellacuría, I., *Ibid.* p.161. The author expresses himself as follows: "...because, definitely, only a Marxism which has surpassed itself, and which in so doing has gathered the best it has to offer, can overcome the coarsest and most radical stages of Marxism, which are the ones that are in conflict with the Christian faith." But it is precisely the radical aspect of Marxism which is most fundamental to it, and if that is inadequate it is because so is the whole doctrine. In effect, Marxism without the abolition of private property and a dictatorship of the proletariat would lose all its content. In capitalism, on the other hand, what is radical is not the ultra-right, but the defense of individual right, even against all of humanity if the latter meant to transgress it. But it follows from that its radicalism will adversely affect no one. Conversely, and Ellacuría has admitted this at least with respect to class struggle, fundamental Marxist tenets are in conflict with the Christian faith. Liberation theology has turned out to be simply a modern heresy, and one of the worst of all times. But Ellacuría would have us believe that moderation is the rule among the Marxists of today. "In conclusion, it would not be an exaggeration to say that there is a caricaturization of Marxism here which no learned Marxist would support today," he asserts (p. 162). Yet it is *learned Marxists* who send their followers to commit class genocide. The fundamental elements of Marxism are present less in its science than in its motivation, which is totally despicable in the orthodox. Nobility of spirit shows above all in a just cause, even if its praxis is not entirely consistent, much more than in the orthopraxis of one wrong-headed person who thinks he is in the right.

⁶Ellacuría, I., *Ibid.*, p.164.

⁷Ibáñez-Langlois, J. M., *Ibid.* In defining himself politically, the author is the most unclear writer ever to be found, clear though his anti-capitalist posture may be. With respect to the unification of Christianity with Marxism, which I mentioned at the beginning of the chapter, the author claims to support the rejection of the Church to such a scheme. But in a contradictory manner, he adds that the Christian faith is strangely duplicated in Marxism (Ch.VIII, pp.327-328). He goes on to say that many Christians today believe that Marxist-Leninist opposition to Christianity was only circumstantial, given the position of the Church in those days. He rejects that, saying that the two doctrines are incompatible both in theory and in practice, but he then asserts that Christianity is capable of perceiving the truth which Marxism was unable to see in its own doctrine (pp.364-365). The author is well aware that speaking of Marxist engineers is not the same as speaking of Marxist Christians. Unlike the first, the spheres of action of the second clash with one another, which proponents of a symbiosis would rather deny (p.369).

Withal, Ibáñez-Langlois fails to identify the reason for the incompatibility of the spheres of action of Christianity and Marxism, and therefore concludes that capitalist structures are rejected in the Gospels (p.386). He seems to reject Marxism mostly on the basis that it is atheistic; but that in itself is no absolute grounds for rejecting a doctrine: what we need is to

assess how its tenets fit within religious teachings up to the level of a naturalistic axiology and natural law. It is inconsistent to assume on the one hand that the two doctrines are incompatible, and on the other to attempt to demystify the Marxist content of those structures linked to Marxism, in order to turn them into tools for social progress. Marxism cannot be rejected as Marxism, and at the same time accepted as in Christ, because Christian and Marxist principles of justice and right are completely contradictory. To my knowledge, establishing a similar parallel is yet to be seen within any other church, order or faith.

I stated in chapter five of part one that we cannot pass judgment on capitalism on the basis of how it has been conceived by some, while now I criticize Ibáñez-Langlois and others for defending Marxism by denying the thought of Marx. True, but since capitalism is the natural ideology, it needs only to be thoroughly brought to light, while Marxism, being that it is the cunningly sick product of one particular mind, is not really susceptible of re-interpretation: it must either be accepted or rejected. We could attempt to re-interpret Marxism only if its postulates had come to us in the form of parables. In truth, any proposal for tyranny contains more excuses than ideology. The preceding discussion, incomplete though it is, illustrates the quandary facing those bent on mixing water and oil. The contradictions become evident upon the most superficial analysis, and one or the other doctrine must necessarily give in.

⁸Tillich, P., *The Socialist Decision*, Ch.VI, p.125. Harper & Row Publishers, New York 1977.

⁹To a great extent, the encyclical *Populorum progressio* is a manifestation of thirdworldist sentiment. Paul VI merely takes to the international arena what he believes is the obligation of the rich towards the poor. Here I must point out that when God asks the first to give to the latter it is because in this case it is the rich who have something to give. We are reminded that it is by giving that we receive. When we change the context, however, we realize that the poor are equally bound to give to others what they are capable of. And one thing they are able to give is recognition to others for their achievements. *Rerum Novarum* is much more sensible on this matter. While justly rejecting liberal capitalism and exalting the role of charity, it does not endorse such unqualified preferential options for the poor in detriment of natural justice.

¹⁰Nietzsche, F., *The Portable Nietzsche, The Antichrist*, Book One, 20-23, p.592. Penguin Books, New York 1982. Nietzsche has been right on more than one occasion, but his criticism is mostly applicable to Christianity, never to Christ. Even some of the Apostles were hardly explicit in some matters, such as the implications of the oneness of the Church of God. Because, obviously, if we were all to suffer whenever one of the congregation suffered (such as Paul instructs the Corinthians), our suffering would never cease. There is a natural selfishness which precludes that, and while its doctrinal expression is not explicit, it can be inferred from the praxis, as for example when on several occasions Christ justifies men to partake of worldly pleasures (to enjoy eating and drinking, for instance), knowing full well that one or another member of the group was bound to be in pain or suffering on these occasions. God does not oppose the achievement of personal good in any of its natural modalities, what He commands us is not to turn a deaf ear to the suffering of others. Also justified here, although rather distantly, are the different degrees of our obligation to others, with the family

at the highest level. Few things can be more important than meditating on this matter, especially in its socio-political implications.

¹¹Tillich, P., *Ibid.*, Ch.VII, pp.127-128.

¹²Tillich, P., *Ibid.*, Ch.IV, pp.75-76.

¹³Tillich, P., *Ibid.*, Ch. V, pp. 103-104.

¹⁴That is, identification with God places everyone on a plane of equality and perfection. But it is not valid to conclude from the above that equality in this world exemplifies perfection. Quite the opposite: inequality is created by God, and God does not make anything imperfect.

¹⁵Sobrinó, J., *Espiritualidad y teología*. Commentary on the book by Gustavo Gutiérrez, *Beber en su propio pozo*.

¹⁶Boff, L., *Ibid.*, p.228. Here, the author comments on *The Instruction*.

¹⁷This last thought can be found in the beautiful Letter to the Buddhist Schools, a manifesto published in *La Revolution Surrealiste*, No. 3, April 15, 1925, and is reproduced on page 75 of *Surrealists and Surrealism, 1919-1939*, by Gaetan Picon, Rizzoli International Publications, Inc., New York 1983.

¹⁸Luke 19: 12-26. The parable of the nobleman who sets out to receive a kingdom, and of the mines, is among the most meaningful to be found in the Gospels, and merits establishing a careful relationship between the mundane and the spiritual. But the bottom meaning is clear: he who deserves the most will be given the most, which is valid for the material and the spiritual levels. In interpreting the parables of Christ, both levels must be considered.

¹⁹Rahner has greatly influenced the new policy of the Catholic Church. Where he stands within it can be found in *La aventura de la teología progresista* (EUNSA, Pamplona 1976), by C. Fabro, especially on pages 23 and 24.

²⁰Sobrinó, J., *Ibid.*, p.216.

²¹The opinions of the Jesuits cited in this work are representative of the feelings of a number of them who have opted to side with liberation theology. J. Hitchcock (*The Pope and the Jesuits*, The National Committee of Catholic Laymen, New York 1984) presents a large amount of data which make it impossible to deny the Marxist affiliation of numerous Jesuits, and the open espousal of International Communism by others (backing the Salvadoran guerrillas and the Sandinista regime, and in other ways).

²²Some respectable religious leaders—I. Larrañaga comes to my mind—should be more careful about the influence that some of their words may have on their followers, as when the former asserts that property fosters war since it needs arms to be defended, and since the fear of the owner to lose it prompts aggressive attitudes.* A fine example of the social insight of our times: we never see people attacking each other just by the fact of being owners. Even those strongly attached to their possessions take an aggressive stand only when their properties are formally threatened. A different matter is the unwarranted assumption of such a threat. But even here, law is the general means people resort to. In these matters, thus, property must be approached in the framework of the right to it, and it is not in property but in its transgression that we must look for the source of violence. And where in the world does not any right need a power (arms) to be guaranteed? Larrañaga would do as good by disparaging the rights to life and to freedom since, in the last instance, they also need arms to be defended. It is a pseudo-Christian praxis to attack appropriation as such in order to warn

**Sube conmigo*, pp. 102-104. Ediciones Paulinas, 1, 1997.

against attachment. God would not give man something that bounded him to fight his brothers. If usurpers did not exist, property would need no arms to be defended. War will disappear in the Utopian Society of Perfect Men; but when the spirit of detachment lacks, the absence of the right to property entails a return to the law of the jungle.

²³Sobrino, J., *Ibid.*, 2,2, *Una teologia popular*, pp.218-220.

²⁴Just before publishing the Spanish edition of this book, I came across *The Phenomenon of Man*, by Teilhard de Chardin, which I cannot praise too much. However, the fact that arriving at the Omega Point (the Utopian Society of Perfect Men) implies a social accomplishment does not denote ontological superiority of the group over individuals, but an accretive result of the development of what is already inherent in every one of them. Individuals constitute by themselves the climax of emergent evolution; the proof of that is that they can attain perfection, and that Christ incarnates as one of them.

²⁵The encyclical *Solicitudo Rei Socialis*, by John Paul II, is a document of great importance for our times. But even though it contains many points which illuminate for all Christians the Social Doctrine of the Church, it also continues the line of the encyclical *Populorum Progressio*. John Paul II is enlightening when he considers development as a reality of an essentially moral order (for we must consider it within a framework of right and spiritual disposition), like a task which God demands of everyone for the sake of everyone. Seeking profit and power no matter what the cost, for example, constitute sinful structures. But although the structures of sin may have generated some of the conflict between East and West, and affect the backwardness of the South, we must not forget that they exist by their own nature in the South. And the creative work of the North and the defects of the South continue to be ignored as the fundamental factors which explain the inequality of the two blocs. Now then, the importance of interdependence must be carefully pondered. Naturally, the good of some in particular is better achieved through the progress of everyone in general, especially through dealing in better-quality merchandise.

But the benefits of this situation do not give origin to any right to development, only to the right to receive value equivalent to the merchandise provided. Everyone must be entitled to an opportunity to self-fulfillment, not necessarily the self-fulfillment itself. And it is at least doubtful that the formation of a single nation encompassing the entire planet would in itself mean improved economic development; that might come about as a result of such factors as the discontinuation of investment in war machinery, which does not need of the above in any case. Entire continents could disappear without significantly affecting the rest.

We will now go into the bases supporting the entire argumentation of John Paul II and the Social Doctrine of the Church: the universal purpose of goods and the obligation of every one to every one. This (Leo XIII's *Rerum Novarum*) refers to the fact that God did not assign anyone his particular share. The mere account of a promised land, let us note, cuts at its roots any unqualified notion of such purpose. Paul VI considered development a new name for peace. But the right to development is limited to the freedom to better our lot through economic activity and mere liberation from the bondage of poverty does not guarantee immunity from conflict. The present encyclical puts the emphasis on solidarity, and on the presumed problem derived from "the unequal distribution of the means of subsistence original-

ly destined for everyone, and as a result, also an unequal distribution of the benefits derived from them." Besides seniority, there are various important historical and sociological reasons why a group can consider as legitimately its own the resources it counts on, such as liberating a region from an oppressor, forging a state of right, creating economic development, and others. There are also human groups which have been deprived of their natural resources either because they managed them poorly or because usurpers took them; and for that, no one is to be blamed who lives on another continent and had nothing to do with the matter.

John Paul II properly asserts that peoples and nations have a right to pursue their full development, and that private property and the universal destination of goods are not mutually exclusive. But he states that the countries which are more influential because they have more assets must take responsibility for the weaker ones, and be ready to share with them everything they possess. We must take this proposal in context so that it does not lead to equality to the detriment of nomocratic right as a norm accepted and demanded by God as the primary source of *social and economic rights*. The parable of Mark 25: 26-28, cited by His Holiness, teaches that there is an obligation not only to produce but also to recognize individual merit. It is clear that for His Holiness both solidarity and justice must mediate the universal gift of goods from God to mankind. But then we must remember that, by definition, right includes the freedom over its object, and that its only obligation is that such freedom does not violate the rights of others. Its transcendent obligations, derived from the laws of God, are non-coercive and moral in character. John Paul II wants to emphasize the need for the social function of private property. But since he also defends the right to economic initiative—later confirmed in his encyclical *Centesimus Annus*, where the Pope characterizes the market system as the most economically desirable—it is obvious that he agrees that every private asset, honestly obtained, intrinsically fulfills a social function. The social function of property also carries a content which excludes the transgression of anyone's rights, and is under a social mortgage in the sense that it must answer to common entitlements, not to need. And what is just at the core of a group is also just for the whole of humanity.

The encyclical then speaks of the option for the poor—from a much higher plane than liberation theology, of course, because it refers to a form of primacy in the exercise of Christian charity. I would have liked, however, for our greatest spiritual leader to have devoted a few sentences to an analysis of the particularity of certain situations. The Social Doctrine of the Church is, and is supposed to be, based on the Biblical demand—through the prophets, the books of wisdom, etc.—to side along the poor and oppressed. But there is always in this a qualifier: oppression or denial of rights. The Bible usually makes reference to concrete historical situations where, as very often happens, powerful usurpers and oppressed people are involved. When this situation recurs, we can *attack the rich and defend the poor*, but always making sure we are judging by the situation and not by the condition of being rich or poor, especially when our words are likely to be taken the wrong way. In context, the encyclical fosters brotherhood, but some concrete references merit further lucubration, so as not to give the impression that the structures of sin always originate with the rich and the mighty, failing to mention the most dangerous and objectionable structure of sin, that of lack of recognition of others' achievement—a structure which

many of the world's poor embrace particularly in our times. Perhaps the rich suffer from envy even more than the poor, but generally not in the context that can bring about a social conflict. The fact that there may presently be a greater number of the poor in developed countries in comparison with a previous economic moment does not constitute proof that some sinful structure prevails. It may be due to a circumstantial move backward which may later be overcome. In fact, the ratio of the poor in the West was much greater two hundred years ago, which must then mean that such sinful structures are gradually being overcome.

What, then, is the true origin of all evils? On this, the Holy Father is clear: the fault is a spiritual one. Giving priority to having over being is disastrous. Still, we must remember that having is a matter of right, while being implies spiritual growth. Promoting having is the duty of every economic system of development; the family and the Church are the mainstays for promoting being. The conclusion is that the neglect of being is not, as the encyclical maintains, a defect of the liberal capitalist system, of over-development, or of the consumer society in itself, but rather of the family and the Church. There have been societies which were neither over-developed nor consumerist, and yet fell into the worst moral degradation. Our priorities are our own responsibility. In *Centesimus Annus*, however, all of the above has been expanded, and it is stated that the structures of sin do not relate properly to the economic system, but to the socio-cultural one. The Pope has expressed, with good reason, his profound concerns over a totally permissive society on other occasions—implying a worship of unfettered behavior. And yet, I could not say which idolatry is worse: the cult of comfort and fashion in the US, or the cult of machismo in Latin America. The institutionalized corruption in certain regions of the latter, the promiscuous and incestuous practices frequent among the campesinos, the contempt the corrupt have for life, the social resentment, and many other such factors, are decisive in determining the backwardness of the area.

There is no over-development. Only an incomplete one, which fails to nurture and support the most important part of man, his spirit. With this in mind, the Holy Father is right, because when man develops spiritually he will completely fulfill his mission, and never forget his fellowmen. I disagree, however, with the way the encyclical depicts man's transcendent reality: as fundamentally social in nature, on the basis that (according to Genesis) it was shared by a couple. Needless to say, each one of us will always display his transcendent reality (which can be no other than his spiritual nature) in terms of a relationship—indirect though it may be—with something that will serve as referent of moral action, our neighbor being the paradigm. But one thing is the field in which the spirit projects and shapes itself, through and with the others, and another its independence for shaping itself through the inputs generated in the social field. Social spirituality is not an irreducible reality, so discussing the primacy of the individual at any humanistic-naturalist level is a triviality. Precisely, sharing must depart from individual dispositions. We can conceive of a Universal Spirit which transcends its particular manifestations. But this transcends the social as well, and belongs in the absolute plane. Also, it seems clear that the alliances narrated in the religious texts must be depicted as taking place between God and a whole people, if they are to be culturally meaningful. But besides the fact that they are rather mythical or racist creations, countless more alliances occur between God and the individuals.

It follows from this that individualist philosophy does not err. Selfishness and the constant pursuit of material things to the detriment of the spirit, debase the individual, but those are inappropriate parameters for an understanding of capitalist doctrine. I think the gist of the message of John Paul II is this: when we forget others, we betray the designs of God. All that needs to be added is that there is no worse betrayal of those designs than when we forget the fulfillment that we owe to ourselves as being created in the likeness of God; that is the essence of everything that has been revealed to man by God.

CHAPTER VIII

THE FORMAL ASSAULT

The worst danger ever to confront freedom originated only less than a century ago. How did it all start? What gave rise to the anti-natural ideology? Which are its basic objectives on which all others rest? For an answer to these questions, let us go back to The Communist Party Manifesto written conjointly by Marx and Engels in 1848, and let us sum up its key points as follows:

1) Class struggle.

The authors of the Manifesto pretend that in the above are subsumed all historical forms of exploitation and oppression. But instead of fighting real sources of such evils, they mean to keep them, just reversing the roles. I challenge anyone to find a more egregious denial of the principles of practical reason. Viewing the struggle as one between classes becomes, by that very act, an instrument for the polarization of the masses. The existence of a bourgeoisie is considered incompatible with society, but no matter the attempts at boosting this concept (such as alleging a tendency toward colonialism by capitalist countries) such a thing does not even stand up to the practical facts. In countries such as Sweden, Norway, Switzerland, Canada, Australia and others, where no one can point out any form of imperialism, there is a bourgeoisie, and society both prospers internally and maintains cordial relations with the rest of the world.

The struggle is not one between bourgeois and proletarians, but between democrats and communists.

2) Abolition of private property. Concentration of political and economic power.

This is the essence of the thesis, envy carried to the ideological plane. By sheer inertia, abolishing private property will lead to the abolition of all other rights. It presages confiscation through taxation, the abolition of the right to inheritance, the centralization of all means of communication, and the forced recruitment of labor.

3) Education by the state to replace education in the home.

In practice, the institution of the family will be destroyed. Capital and profit are alleged to constitute the basis of the bourgeois family. But since the aim to profit and to build capital are also common to proletarian families, it is averred that such dispositions must be universally repressed in order to avoid the emergence of a new bourgeoisie. It should not take a big effort to discover the real aim behind that. Subordinating the family is a means of alienating society, deculturizing it and hacking away at its faith so that it loses the will to rebel, and that begins by destroying the natural provider function of the family. The so-called equality of rights for women—actually an obligation to work for the sake of the regime—is a subtle means to that end.

4) Moral calumny.

In the bourgeoisie, it is alleged, parents exploit their children, and bourgeois men see their wives as mere instruments of production. Are love, struggling together, and the joy of sharing nowhere to be found? The mind who is capable of such loathsome assertions has the right to dissent on economic, political, social and historical matters, but not to opine on personal feelings and morality. It is only the communists' own vile accusations which give us the right to speak of their feelings. The proletarian family is alleged to have practically disappeared, destroyed by capitalism, which is nothing but a mere slogan. Bourgeois men are alleged to be immoral, intent on seducing the wives of others. Such accusations of immorality are incomprehensible coming from those who assert that morality is a personal matter and who consider group marriages the ideal. Apparently, the authors of the Manifesto were

also unaware of the high incidences of machismo and promiscuity among social malcontents. And nobody believes that the communist countries are populated by saints.

5) Megalomania, *atheistic messianism*, and anti-history.

“Communism will abolish the eternal truths, religion and all of morality,” according to the Manifesto, and it “therefore acts in contradiction to all past historical experience.” The Manifesto asserts that whereas past movements have only changed law, religion and philosophy, communism will eliminate them. It cannot deny all values, however, for that would leave it empty; thus, it simply establishes different values. But let us take the lesson at heart: what is being proposed is anti-history.

6) A call to battle.

The Manifesto summons various socialist movements to join the struggle. If the founders of communism could see how far it is from achieving a common proletarian fatherland, they would be turning in their graves. But let us note that the aim is the destruction of capitalism, not even the democratic implantation of communism. Lenin, and others after him, will also make that clear. It is not a matter of not wanting to go to war. It is being imposed on us whether we want to or not. If we want a totalitarian, anti-religious and truly anti-democratic doctrine for our children, all we need to do is lie down. The only communists who will not try to bury us are the humanists.

Whatever differences arise among communists, their fundamental dogma does not change. Trotsky claimed that the Russian Revolution had been betrayed because he saw the Stalinist dictatorship entrench itself. But that never eliminated in him an anti-libertarian disposition which could only lead to tyranny by another road, such as the well-known and much-feared permanent revolution. In order to enhance the image of the founders of communism, it is fashionable today to blame Stalin for the evils brought about by the abovementioned revolution. But he did nothing *the good leaders* would not have done. When Lenin offers capitalists employment under the orders of the armed workers, those who see goodness in his offer should read on. He later clarifies his true intentions: capitalists will become forced laborers, and “they will be unable to escape because they will have nowhere to

go."¹ Are we unable to see the forest because of the trees? Then let us point out some more trees.

The wrong road and the wrong reason

I would like to make some comments on portions of the excellent work, *The Road to Serfdom*.² When communists attain power, asserts Hayek, absolute loyalty to official dogma becomes paramount; the more dogmatic one is, the better the chances of rising in the hierarchy. It so happens that in a totalitarian state, there is an abundance of positions involving duties which demand total disregard for moral values as well as the conviction that the end justifies any means. Thus, the more one is able to intimidate or eliminate dissidents, the more one distinguishes oneself.

In the recent past, when a revolution triumphed, a greater degree of freedom was generally achieved, and the people continued to exhibit a diversity of opinions. But this would represent a mortal danger for the communists, which explains the closed nature of their society. If the Soviet Union conducted truly free elections today, at least to the immediate extent of the term freedom, I have no doubt that the communists would triumph because of their particular form of directed propaganda which they alone can carry out so well. If, however, the Soviets were permitted a freer exchange of communications with other nations, the free play of ideas, and an organized opposition, an overwhelming majority of the people would reject the system in a few years. Like all dictatorial systems, the communist government is afraid of the people. There is only one alternative: the people must endure a despotic directed education until they identify with the aspirations of their leaders.*

First, of course, it is necessary to control all information. Little by little, the people are persuaded of the goodness of the

*The above was written before the earthshaking changes that occurred on the other side of the Iron Curtain. The text turned out prophetic, but I did not suspect the depths of disapproval incurred by the regime. What follows in this and in the final chapter must be seen in the light of the time at which it was written: while the geopolitical context may have changed, the politico-ideological one remains unalterable, merely undergoing reorganization.

doctrine, and they accept the decisions of their leaders as right. A myth or pseudo-scientific theory is created which becomes the official credo and allows for no questioning. To this end, concepts such as liberty, justice, laws, right and others are distorted so that their real and ageless meanings are perverted, and the people interpret them as their leaders wish. The moment comes when the word freedom loses its conventional meaning, and may become identified with a far from libertarian one. At a certain stage, all dissent becomes treason. By that time, the party arbitrarily and tyrannically controls what can and cannot be published—even a painting or a clear-cut mathematics theorem may be deemed to be counter-revolutionary. The word liberty is now used to justify such control rather than to defend freedom of expression. There is no longer art for art's sake, nor is science free to pursue truth wherever it may be found. Everything must go through a political sieve in order to ascertain whether or not it serves the purposes of the party. In their language, everything must serve a conscious social purpose.

Hayek illustrates why every artistic, cultural, scientific and social activity in the communist world acquires a political character. As I related in *El Salvador: Who Speaks for the People?*, that is what finally allowed me to understand the conduct of that communist friend at the University.* he could care less about how unrelated was our discussion to political questions. He saw in it a danger, a class defense concept. That is how individuals and the community are directed in the communist world. That is why the term totalitarian could not be more correctly applied. As exaggerated as that may seem, anyone who has had close contact with communists, especially in the Third World, knows that is true. To them, even Scrooge McDuck is an all-out enemy; their fanaticism is absolute. He who reads Roque Dalton will come across the well-known dialogue with the colonel. communist poets attack Alfredo Espino, their fellow Salvadoran poet, because he wrote bucolic instead

**Editorial note:* Here the author makes reference to a passage in his previous work, where he tells of a time when he and other fellow students were conversing on the subject of souls and apparitions. Seeing that practically everyone involved believed in the existence of the above, a communist friend reacted by accusing the gathering of thereby defending class interests and taking sides against the people.

of revolutionary poems.³ And thus begins the most horrendous bondage ever conceived, as it cannot be excused on the basis of obscurantism, which would deprive man even of the right to touch the fibers of his sensitivity he is most attuned to. They would have banned Dali's marvelous Last Supper, branded it as anti-revolutionary in their ideologically sick minds, and they would have banished Walt Disney to Siberia. This they call reason!

The best way of demonstrating rationality is showing respect for the thought of others, with the only limitation that there be no all-out aggression against our natural rights. Let the communist poets become hoarse, then, in defense of their ideals; the capitalist state will trust its own when those incited by such poetry decide to undertake the armed struggle. And leave to communist leaders the privilege of defending their system by institutionalizing the muzzle, for this will backfire sooner or later. Notwithstanding that, the *mea culpa* assemblage in the Western democracies—impervious to the evils of communist domination—argue, Are we any better? A thousand times yes! Advertising in the West may sell a lot of Coca Cola, but communist propaganda is aimed at getting the people to go along unquestioningly with any action taken by their government, no matter how criminal. Under modern capitalism, opposition leaders are able to express differences of opinion freely, and the people are able to choose their leaders in equal freedom—if we speak of a true democracy—hindered mostly by their own political ignorance and flaws. At least no idea is officially imposed on anyone, government actions are criticized all the time, and no one is executed for that. Besides, the system provides mechanisms to protect individuals from the power of the state. And still we are told that we are no better than the communist world.

Aron believed that terror and similar practices were admissible for humanist motives during a revolution, but not after it is over. He warns that when communism triumphs, the permanent revolution and state terrorism become established.⁴ In my view, a revolution can and must achieve victory through an honorable struggle. Communists resort to terror whenever they meet strong opposition and fear victory may escape from their grasp, as in El Salvador. Terror character-

izes all tyrannies, certainly, but it is a weapon that nobody uses more effectively than the communists. It is the weapon of those who will not risk, who want to win at all costs, no matter how unjust or dishonorable the means. And bad means, even if they attain a good result, always hurt some innocents, being thus contrary to the third principle of nomocratic right. That is the reason the Salvadoran people rejected the communist guerrillas.

Men tend to paint a dehumanizing picture of the enemy: aggressive, savage, tyrannical. But it is worse to dehumanize our own allies, as the *mea culpa* contingent does. What communists may think of capitalists should matter less than what capitalists know of themselves. And there are questions which the communists cannot answer to our satisfaction: Why have so many died who tried to go over the wall? Why the indiscriminate hatred? Why the rhetoric of their congresses? We have not had to dehumanize the communists: they have done a very good job of it themselves. Consider even the most recent actions of communists and capitalists. The latter—specifically, the US—have promoted the fall of several dictatorships of the right in their sphere of influence, and are aiding regimes which may not be their allies. The communists, on the contrary, exhibit more radicalism with each new conquest.

The communist world devotes a much greater proportion of its gross national product to the military and not simply because of its weak economy; if the capitalist countries were as motivated by the spirit of conquest, their economies would already be practically on a war footing. And while not all communists are driven by base motives, the alienation brought about by an anti-natural ideology leads to inadmissible praxical actions. Rosa Luxemburg asserted that in bourgeois revolutions, bloodshed, terror and political assassination had been the weapons of the insurgent classes, and she claimed that none of that would occur in a proletarian revolution, promising merciless revolutionary energy and tender humanity. El Salvador has only experienced revolutionary savagery.⁵ Many communists are like the *enragés* of the French Revolution. De-Christianization and the cult of the goddess Reason, among other things, are objectives common to both.

Even worse, unlike the sentiment of the *enragés*, which was not incorporated into the doctrine of the French Revolution, hatred becomes institutionalized under Communism. The *enragés* were guillotined; the communists award medals to their own. Many are disappointed when their genuine longing for justice is betrayed. But since they have the wrong notion of justice, they also tend to remain within the ranks of the movement. They should realize that those who follow the orthodox praxis do not deserve even the respect accorded all human beings.

Communists usually make the following false promises:

1) They promise equality and the abolition of social classes and privileges.

The people usually end up losing their rights and becoming subjected to new social classes whose tastes are no less bourgeois. Reyes Basoalto (Pablo Neruda) got his dream house by the sea, a very *bourgeois* taste.

2) They promise power to the masses and democracy.

Marxists promise to make proletarians the protagonists of the final libertarian revolution, unique in history. No such luck. What is promised in order to lure the social malcontents is a dictatorship of the proletariat, but what is established in the end is simply an oligarchy, and a tyranny of the Party. Finally the people realize that they live in a police state, that they must choose among the candidates of the Party and work for fear of being denounced; and that should they protest no one will defend their human rights when they are crushed by tanks. Obviously the communists cannot resort to the excuse that they deem their people immature in order to justify depriving them of the right to free elections. After all, they maintain that it is the *peuple*—and by that they must mean a huge majority—who brought them to power by means of the proletarian revolution. Neither can communist governments legitimize their continued rule on the basis of either their actions or a defense of just principles.

Many communist Salvadorans were enchanted by their visits to Cuba and returned denying that Cubans lived in servitude, because they saw them shopping in grocery stores and apparently enjoying normal everyday lives. In fact, everyday life cannot be much different either in the communist

countries or under right wing dictatorships: no tyrannical regime could last long if it did not allow people to go out on the street. Besides, no matter how much communists may wish to avoid it, some standard of *bourgeois right* must be maintained in everyday social relations in order to prevent anarchy. It is when citizens demand certain entitlements and freedoms that slavery becomes manifest. And tourists, of course, are not allowed unrestricted travel privileges.

3) They promise to overcome poverty.

This promise is only fulfilled for the new upper classes, who enjoy wealth without risk, effort or responsibility other than what they owe the Party. Those at the bottom, having lost all hope of seeing this promise fulfilled for them, end up working only for fear of being denounced, not anymore in expectation of progress. The promise should already have been fulfilled in the communist countries, where exploitation has presumably ceased. Their enduring poverty indicates that the cause must be sought elsewhere. And what used to be proclaimed as a cause of communist revolution is now even asserted that it must be endured, averring that it is provoked by economic blockades imposed by capitalist countries. But how can anyone expect to prosper through a mechanism such as commerce, which, no matter the form of trading or the nature of ownership it takes, it must be deemed exploitative since it will always be based on the private property of commodities? As a point of interest, we find that in the US thirty-five percent of the national income goes to ten percent of the population, while in the Soviet Union fifty percent of the income goes to twelve percent of the people.

4) They promise health and education.

Communists take great pride in their programs to increase literacy, but educational achievement is not their first priority: the truth is that alphabetization is turned into a powerful weapon for indoctrination. The young become alienated; parents lose communication with their children, and their primary role as teachers of traditional natural values. Literacy is achieved only in the communist alphabet. In regard to health, doctors are forced to fulfill their social obligation by seeing more patients in less time. Communist achievements always require victims (individuals deprived

of their right to self-fulfillment), and over the long term they do not even equal what is attainable in a free economy. Besides, statistics compiled by communist officials cannot really be trusted: data may be fraudulent, or they may refer to goals met in terms of quantity, with no regard to quality. In Cuba, for example, diseases are said to be found today which had been eradicated from the island fifty years ago. For many, the health situation has deteriorated by comparison to the previous regime, despite the large shipments of medicines by relatives living in the US, and despite many other donations and transfers of resources such as the massive Soviet aid. Many other *social achievements* of communist governments—such as, for example, the eradication of common criminality—appear to be measures of social control intended to guarantee the stability of the regime, at least if we judge by their typical way of thinking. Even allowing a certain degree of free enterprise is in the same vein. In the communist world, private property is a concession of the regime in the face of economic problems; in capitalist countries, it is an inalienable right.

The truth is that only the respect for individual rights offers a social advancement, and that their denial is an enemy of freedom. If we do not learn to make distinctions on a rational basis, as it has become customary, we will not be able to tell right from wrong. I must make clear that our generalizations are part of a method of exposition. As human beings, many communists deserve as much respect as anyone else. The true evil resides in the doctrine and in the system, and in those who are one with them. Capitalists often see ideological confusion or the wrong channeling of good intentions in those who do not share their ideas; communists see class enemies. Mao Tse Tung claimed to be for the freedom of ideas and polemic, as long as one was a communist; all bourgeois ideas had to be suppressed. An important difference between communists and ultra-rightists is that while the latter also impose their will tyrannically, they usually lack the ideological basis to pursue geopolitical goals. Regimes we can call of the right may end in a peaceful transition (such as Spain after Franco, or El Salvador in 1979), but that is never possible in dictatorships of the left. The explanation is that the former usu-

ally exist in isolation under a local caudillo of exploitative spirit—even tending to recognize their ephemeral character—and have no great military strength these days, while the latter constitute a single continuous bloc, with the central power located in the Soviet Union or in another communist bulwark.*

The communists have a mortal hatred of capitalism, an extreme whose counterpart exists nowhere in the entire democratic system. That is, there is no opening for a true ultraright within the system, precisely because when it appears it becomes the enemy of democracy. Communists contribute to the destabilization of democracies, while the latter can do little to aid anti-communist movements behind the Iron Curtain because the freedom which facilitates destabilizing operations is found only in democracy. Democrats see power as an instrument of dissuasion and peaceful coexistence; communists see power as a tool of conquest. And distinguishing between communists and radicals of the left is only partially valid, especially in certain internal policies; when it comes to the pursuit of subjection, they are very much alike. The pure Marxist-Leninist is worse than any radical of the right. Actually, the appearance of a radical right understood in its ultimate sense, which would have as its goal the subjection of the lower classes to the arbitrary designs of a supposedly superior class, is extremely rare. Many so-called right-wing radicals are but tyrants and common assassins who transgress the human rights of whoever confronts them and spoils their plans; in this, they are little different from the communists.

Other so-called ultra-rightists are in reality extreme anti-communist militants, therefore with an anti-ideological orientation rather than against a social class; still others are racists branded as rightists. The difference between communists and ultra-leftists is above all one of methods and degree; the difference between capitalists and ultra-rightists is one of spirit. That is why the communists do not usually combat left-wing radicals

*The recent events in Eastern Europe correspond to a special political aspect which I discuss elsewhere. The former Soviet Union seems to have realized that it was in its best interest to have friendly neighbors rather than enemies across their borders, if it wanted to be able to marshal its resources to mitigate the internal social unrest.

unless the latter mean to remove from power the usually pro-Moscow party nucleus, which only in diplomatic terms is not radical. It is true that radical anti-communists may make the mistake of seeing *communists* everywhere, thus attacking democratic opponents, but only the communists have an ideology specifically oriented against an entire social class. In this sense, both a similar disposition. The main difference is that the small number of the former among the capitalists is comparable only to the number of humanists within the communist camp.

A weakness of the North American leadership is that allied governments must generally grant democratic elections, with the possibility that their policies may change and turn anti-US at a given moment. The democratic system is the most vexing there is when it comes to forming stable alliances and unifying policies. That is a worry the Soviet leadership does not have. In order to install missiles in Western Europe, the executive branch of the US government must gain the approval of allies, endure all sorts of criticism, and even risk losing the support of voters scared (rightly or not) by the propaganda. The Soviet Union merely announces the installation of new missiles in East Germany, Czechoslovakia and Bulgaria. Any consultation with the governments involved is merely pro forma. Those are truly puppet governments. It so happens that while every Soviet intervention bears the mark of its ideology, North Americans exercise their libertarian praxis only hesitantly. To the communists, peace means victory and the end of the class struggle. To the West, it means coexistence without conflict. A Strategy for Peace Through Strength⁶ rightly makes that point. In the communist dictionary, peace zones are those they control, and war zones those they attempt to control. We are not alike.

The capitalist dream has never been attained; few have achieved its full realization for a variety of circumstances—rigidity of the systems, diminished opportunity because of underdevelopment, and a lack of cosmovision. And now that we are on the verge of achieving it, when the dynamism and freedom brought about by capitalism are about to bear fruit, dialectics confronts us with the worst personification of the anti-natural axis of political life. But the dream, which was more crucial than a shared past in forging a great nation, must not die.

We must make ours, although against her intent, the final words of the frequently cited book by Rosa Luxemburg: "But what is to be done? Let each one utter what he considers truth, and let truth itself be recommended to God."

All-out war

As a result of Lenin's rise to power, the Russian Revolution embodied the ideas of Marx and Engels. Lenin made the Communist Party into an instrument for consolidating the proletarian revolution; praxis is its goal. To Lenin, the philosophy is inseparable from the ideology, and must serve to foment the class struggle. Communism thus becomes the opium of the social malcontents, and the ideological assault opens the door to the formal one. In the words of Lenin: "without revolutionary theory, there is no revolution." From the triumph of the Russian Revolution, and later with the triumph of others, democracy confronts not only an ideological challenge but a military one as well. Lenin's famous *step backward*—denationalization in order to increase production, and the bourgeoisification of Russian Communism—was not necessarily a good omen. We will dwell on some aspects of the famous Internationals here, but on this subject there is nothing like the original sources.

The communists work meticulously, and are infiltrated at all levels. Let us remember that the International Red Aid was established in New York a mere three years after the triumph of the Russian Revolution. And thus, some truly traitors, others merely deceived, form peace corps and various *humanitarian* associations which often conspire against freedom. If we want to know what the communists want, what their feelings are, and their intentions, we had better listen to what they themselves say, not in their public utterances (illustrative though they may be) but where they can speak without inhibition, such as inside guerrilla encampments and on the campuses of Latin American universities. In order to know what those who are branded ultra-rightists by virtue of their anti-communism think, let us not go by what their detractors say. Let us listen to the frank exchanges in the hallways; only thus can we develop an accurate line on their intentions. Let us not

expect saints, either, but the difference with the communists will be more than plain to the unbiased eye.

From the time of Lenin, and especially with Stalin, the cause of the proletariat is said to be identified with the cause of the Soviet Union. For Lenin, the last phase of capitalism, imperialism, occurs when capitalism becomes monopolistic. According to him, the reformists think that in such a stage capitalism has become state socialism or something similar, and that is why they tend to be attracted by it. It is because of them that he advocates greater urgency be given to the Socialist Revolution. Naturally, Lenin feared that in the process the communist ideology would lose ground and the democratic one advance. The reformists had become aware of their error; Lenin attacked them for that very reason, just like he attacked Social Democracy, simply because they believed in peaceful change. He considered the latter dangerous and treasonous because they asserted that the true dictatorship of the proletariat is achieved in a democratic republic because it puts into effect the will of the majority.

The road followed by the communists has been so far inexorable, and has achieved great advances, although the cost has been the rise of a more determined opposition. Thus it was that the socialist movements departed from communism, tending to become more democratic and to reject impositions and the class struggle. As somebody said perhaps accurately, the final battle would be one between communists and ex-communists. The brutal Sovietization of Eastern Europe generated widespread distrust, as did the attempt to merge communists and socialists in order to constitute a Unified Socialist Party. It so happens that nationalism has been a tremendous dike to contain the expansion of communism. Lenin envisioned a Russian Revolution extending to the whole of Europe, but many leaders of the Second International spoiled his dream by adopting nationalist positions.

In the Third International, the Comintern was organized under the leadership of the Soviet Union, which presumed a break with the other socialist movements. We have seen various breaks and divergences since then, but little by little the Soviet direction has become more clear and pronounced,

especially in the latest conquests—Cuba and Nicaragua, organizing huge expansionist armies, are clear examples. In addition, an international army has been organized to support various fighting movements, infiltrating pacifists, the clergy, the media and others. It has been for the purpose of implanting communism worldwide that different meetings have taken place, not in order to defend it from aggression. Such phrases as “the triumph of the Soviet Union over imperialism” are in that vein. The agitation in Central America, and in El Salvador in particular, is far from being a movement of campesinos against landowners, or a popular one against the government, but an out-and-out invasion.

The communists are not yet ready to risk direct confrontation with the great powers of the free world, but with the latter isolated, bereft of allies in many parts of the world, their economic sphere of influence diminished, at a military disadvantage, and completely defeated ideologically, the Soviet Union would be the center of power in the world, just like Lenin dreamed and as he expounded in Moscow in 1926 during the Second Congress of the Communist International. That Congress proposed support for blacks agitating in the US and groups holding grievances in the Third World, guiding the latter groups to organize revolutions. Once the social malcontents become convinced that their grievous situation is not the result of their faults and ineptitude, it is very easy to inculcate them with the full doctrine, get them to join the Party, and lead them to the struggle. Once they have learned to hate the rich, it is a simple matter to get them to hate the rich countries. That is why everywhere in Cuba, in Nicaragua, and on the lips of the guerrillas of the FMLN, the cry is heard, “Yankees, the enemies of humanity.”

We must consider that besides what eventually becomes public in the abovementioned Congresses, much goes on behind closed doors to form international terrorist brigades and other groups to promote their rise to power; we can see the results everywhere. We already know, however, that those who prefer not to see will tell us that more evidence is needed. Of course, not all terrorist acts need to be linked to Moscow or to Communism. They can arise as a result of other ideologies or rivalries. Still, there is a tendency for them to be linked,

since the communists encourage any action which disrupts the political stability of the West. Sometimes the connections are obvious: during the Tricontinental in Havana, for example, all kinds of thirdworldist and racist tendencies were promoted. Carlos Rangel describes black activists Carmichael and Stokely as promising to set the US on fire—hair-raising but instructive imagery.⁷

Given its position as leader, and for other political reasons, the Soviet government cannot express itself in those terms. This does not in any way mean, however, that it does not agree with those sentiments. What good can we expect from those who side with the likes of Gaddhafi, who proclaims to the four winds his intentions of killing North Americans right and left? Lately, however, there is a great deal of propaganda intended to show that there has been a moderation of totalitarianism in the Soviet Union, that there is a democratic opening in Nicaragua, and so on. Once again, there is an attempt to catch the democracies off-guard. Of course, this is not the time of Stalin, but we must not forget that the peace which he bequeathed to his successors was gained at the cost of some thirty million lives.

Any dictatorship would rather attract the favor of (rather than suppress) the populace, as long as its stability is assured. That is precisely the situation: Stalinists abound, they are just not needed at the moment. There is little danger in allowing rock and roll, and not doing so might give rise to discontent which the government would rather avoid. Besides, it is good propaganda. But the true spirit which moves the leadership of the Kremlin is still in effect, and that is why we continue to see the fall of one ally after another. The internal policy of every dictatorship varies according to the opposition it confronts, as well as according to a number of variables, economic ones among them. Whatever happened to totalitarianism?, ask the innocent. Perhaps they will not have to wait long to see for themselves. There is no regime, no matter how tyrannical, which does not allow some freedom of expression. The point is that communists always suppose treason behind any dissent. So testify those dissidents whose ideology—which we know to be libertarian from their own actions—has caused them to suffer imprisonment and exile.

The goal of erasing the image of *evil empire* for the Soviet Union is rather clear: once it is perceived as seeking rapprochement with the United States, it will no longer be linked to the communist movements of the Third World, which in turn will be considered as authentically popular revolutionary, so it will be difficult to justify action against them. The Soviet Union will then be easily able to, if not directly extend its dominion, at least debilitate the sectors most opposed to its expansionism as well as be able to count on potentially allied governments in the future. But above all it means to hinder US rearmament and to create a convenient US opening. Therein lies the real danger: in believing that it no longer exists, and thus failing to develop the weapons against which the Soviet Union could not compete. For the Soviet attempt at rapprochement to be considered genuine, and for the US to be able to reciprocate, it is not enough for Raisa to dress in Western fashion. The Soviet Union must absolutely abstain from continuing to aggress, either directly or through its pawns, the borders of the Democratic Empire.*

The formal assault is carried out in several other ways, always aimed at indirectly undermining the will to fight.

*After I wrote that, I said in an interview: "What is more, the Soviet Union will have to condemn as terrorist, and help to combat, all violent actions of subversive communist groups against legitimate pro-libertarian governments. If *perestroika* means that as well as a sincere outreach towards open friendship and towards a joint struggle for justice and the dignity of human beings, I will make common cause with it. But I suspect that with the increasingly firmer rejection of the communist guerrillas by certain peoples, as well as the increasing cost of armed struggle, communists have opted for taking a step back, trusting their allies to gain followers in the democratic manner in order to have a secure support base for future struggles. And in exchange for freeing Eastern Europe from its yoke—which at most means no more than letting go of a heavy burden—they will obtain something much more valuable: the trust and the assistance of the democracies." Later, I wrote in an article: "It is disquieting to consider that, under the table, the new Russian leaders might be doing the work of the radicals, since it is hard to believe that moderates were able to infiltrate the highest levels of the leadership outwitting the scrutiny of such a fanatic organization. I very much fear that while the opening to the East is a sign of decadence and neglect of the libertarian ideology on the part of the West, the goodwill shown by the Commonwealth is simply a praxical maneuver, at least on the part of those (such as the *apparatchiks*) who might be controlling the puppet strings behind the conciliatory front men. A Europe free of foreign troops—which may well be the result of the new US and Russian relationship—might someday invite aggression."

Drugs are introduced, all kind of moral and social degradation is encouraged, unions are infiltrated in order to hinder the creation of wealth, states fighting communism are boycotted in order to create conditions which make it possible to seize power, and more, all done through regional subsidiaries of the International Communist Party, which usually operates locally under some sort of socialist banner. Communist China, on its part, has shown signs of change, and we are observing the denial of certain ideological bases, allowing what the orthodox would call exploitation. This is a positive change, because this way they may come to understand that capitalism is not the enemy of man. Rapprochement with China, however, must be undertaken with great caution, leaving trust for the day there is clear proof that they understand that Marxism is rotten to the core. The only notable difference between Maoism and Russian Communism in matters of foreign policy is that the first one wants an autonomous communism for each country, but that does not bar fomenting revolution and helping local communists seize power.

Humanist Marxists, on the other hand, have come in conflict with their best feelings, except they do not know it; while they have tried to eliminate Stalinism, thus in a way placing themselves in opposition to the Party, they continue to be socialists. Among their good dispositions, they want independence from Beijing and Moscow, they want democratic freedoms, and they reject an all-powerful state; that is why their pamphlets must circulate clandestinely. One problem with this movement is that it is serving as a screen to hide radicals; another one is that, since it lacks a consistent ideology, it can turn militantly radical against capitalist democracies for a number of reasons, such as nationalism and racism.

In any case, much of what is discussed in this chapter cannot be applied to all those who share only the economic tenets

Today, a treason of the sort I feared from the part of the Russian leaders does not seem a cause for concern. But even if real democratic changes were to occur in the former Soviet Union, a deepening socio-economic crisis could make it revert, if not to Communism, to a sort of left-wing Bonapartism. Right now, we are witnessing a Russian neo-imperialism against its *near abroad*. All of that without taking into account the instability of the transitional period, which does not permit to discard the possibility of treason on the part of future political leaders, or of uncertainty about the loyalty of their armies.

of the Marxist ideology. Neither can we generalize against those who join the communists for lack of alternatives. But theirs is a different case: there is no institution of higher education in the Soviet Union where students are not forced to enroll in courses in scientific communism, and few can escape indoctrination. The democratization of the Soviet Union might prevent such indoctrination, but it is far from certain that it can do away with the key leadership cadres. Hard-line communists will never give up the attempt to achieve a successful world revolution. A harder line emerged from the Twenty-third Congress of the Communist Party of the Soviet Union when Khrushchev's hopes were dissipated, and there was an about face towards Stalinism; that is how things work in totalitarian societies. Once again—as recently as 1967—the communists proclaim that their principal objective is the defeat of the capitalist system.⁸ For Stalinists and the followers of Malenkov, capitalism is no longer just an economic system, but a bloc of nations to be defeated by the Soviet Union. Let us remember that “the Soviet Union will never be indifferent to the destiny of building socialism in other countries,” as Brezhnev asserted even more recently.

The Party

The communists, then, seem to want war, and they may be right: the indecision of the democracies rouses the boldness of their enemies. Things may backfire on the latter, however: I cannot help but think that the heroism shown by the Salvadoran people in the face of Marxist aggression is an influential factor in the recent tendency of left-wing Latin American intellectuals, both secular and religious, to adopt a more conciliatory stance.

Democracy has no expansionist plans anywhere in the world. It is trying to keep its allies, which is different, and the communists could do the same if they wanted peace. Democracies speak of coexisting with the communists as long as they are not attacked, and the communists speak of peace at the same time that of conquest and of burying the adversary. Who sincerely desires peace? Let us ponder well what can happen if we do not meet the historic challenge coura-

geously. Democracies must learn that internecine struggles weaken unity, effective strength and the will to fight. It is not a genius or a king, like Alexander, who will conquer modern democracies, and maybe this time slavery will last a thousand years. So if the communists persist, one day a new crusade will surely rise against them, not precisely from the United States of America, but one joining together all men of free spirit. Things have taken such a turn for the worse that we must all—US Marines and Salvadoran infantrymen alike—soldier for the common cause. If my country is today the battlefield, tomorrow it may be Europe or the United States of America itself.

The Party must be the organized combative world response for the defense of the cause of freedom.

Because it belongs to the natural political axis, capitalism is spontaneously practiced. But today, in the face of the assault against faith, it is imperative to provide peoples with an ideological basis which helps them to recover at least the common sense. Unfortunately, the case is made worse by many *defenders of free enterprise* who, sincerely convinced or just pretending to maintain the undue privileges of an anarchic market, project a wrong image of the genuine capitalist ideology. Others, though feeling the need to return to some normative moral standard, do not dare to take the necessary step to overcome the dialectical conflicts, and take shelter in democratic solutions which allow them to navigate in comfort—the *chutzpah-lacking* bourgeois spirit depicted in *Steppenwolf*, in other words.

An ideology may be true, yet it is worthless if others win the war. Capitalism needs, then, a doctrinal unification similar to the one that took place at the time of the First International. Voices are beginning to rise everywhere in defense of the nomocratic political ideology, although they speak of democracy, not of capitalism. A challenge has been posed, and a response is needed. It is time that those who believe in no such thing as revolutionary justice be respected, and if not, it is time that free men make others respect them. There is room for all kinds in this world, but the attempt to impose any anti-natural ideology on every one is unacceptable; he who wants Communism to rule his life has half of the planet to live in.

Present pro-capitalist movements are very isolated, and therefore weak. Many have lost their fighting spirit, but that can be recovered with solidarity of purpose. Mutual defense treaties, such as NATO and others, are useful on a different level. But it is also necessary to create an ideological alliance of the freedom-loving peoples which commits the ordinary man to fight actively in its defense. And ideology needs to be translated into praxis so that it lives not only in hearts and minds, but in arms and muscles as well. Only the Party would embody the praxis, and only the praxis incarnate could determine for itself its own doctrinal moment. The Party is a historic necessity.

There are also many anti-communist people in the world, all of them well-intentioned in that regard, but if they are to crystallize definitively they need to stand for something, not just against something. That is the only way to achieve an ideological base capable of persuading and bringing people together, and of overcoming the lack of concern by the many who take a *things-could-be-worse* attitude. Some pro-capitalist movements may only need to project a fundamentalist ideology more openly and thoroughly in order to gain greater acceptance since neither can we, based on our anti-communism, support any movement which is in conflict with capitalist tenets—that causes more harm than good, and is contrary to the spirit of the principles of nomocratic right. I have joined every anti-communist movement I have come in contact with, only to eventually end up disillusioned with almost all of them.

Action may be more fruitful from the foundation of a Nomocratic Capitalist World Party—without front organizations or anything of the sort, since this is not an attempt to deceive through demagoguery—to which all men of free spirit must belong, the poor and the rich of every religion and race, all men of faith who love justice, liberty and natural values. The doors of the Party must also be open to humanist communists, no doubt about it. The differences may be overcome through mutual respect; unless brotherhood is the final goal, everything will be in vain. Still, on the way to that goal, struggle against every form of tyranny is unavoidable. This, and no other, is what the whole world cries out for. The Party

will take up as its own the subjected people of all nations, and commit to liberating them whatever the ideology or affiliation of the oppressor.

The Party must be able to distinguish between an authentically just and popular revolution which communists seek to use, and one whose mainstream is ultraleftist and sold to the enemy from the start, like the Salvadoran one. The latter kind must be fought without quarter, although care must be taken not to side against whatever it may retain of true popular roots. Still, one must be clear: no equality, except before the law; no expropriations, except of ill-gotten gains.

The Party must elaborate a Manifesto, and make public to the world its principles and its will to fight for the proper order of things, for the benefit of future generations.

Capitalism has a great weapon at its disposal which is hardly being utilized: the assistance which private enterprise can provide. World private enterprise should be as unified as its left-wing and pro-socialist counterpart in the labor union movement. Businesspeople all over the world, especially in small and medium-sized businesses, are seriously threatened. And since they are hardly in a position to organize a strike and move to John Galt's valley—which in any case would only serve to isolate them—they must act intelligently in the political arena. In the same way that Salvadoran products are boycotted, and assistance is openly solicited for communist Nicaragua and for the guerrillas in El Salvador, so must businesspeople act to neutralize any such boycotts, that is, those destined to favor communists. It is their right to defend freedom and true human rights—today for El Salvador and for anti-Sandinista Nicaragua, tomorrow for any other threatened nation. Men of libertarian spirit have to be everywhere, just like communists pretend to be. World private enterprise has little to lose and a lot to gain: if it lets country after country fall to the enemy, the time will come when it will have to fight under rather precarious conditions.⁹ Many enterprises which now feel powerless to oppose communist maneuvers would have in the Party a place they could go to for the necessary moral support. Private enterprise must now commit to the greatest and most noble task it has ever undertaken, and it can act most effectively through the Party.

A necessary labor of the Party, however, would be to educate enterprises and consortia which, in the pursuit of economic interests, contribute to keep millions under subjection by negotiating commercial agreements with the communists themselves. In the long run, that has to be counterproductive, because any such deals easily get out of control, and the investments thus generated serve as springboard for the development of the enemy. He who believes he can survive by putting the communists in his pocket instead of combatting them, not only is devoid of ideals, but he may easily end up serving the interests of the enemy.

The Nomocratic Capitalist World Party would work to find volunteers for the struggle when they were needed to lend massive and decisive assistance to anti-communist libertarian causes, and it would provide economic assistance for allied peoples. It could achieve what the Communist Party has not: victory and the rise to power by the will of the majority. And it could check the growth of Communism much more effectively than parties of timid, ambiguous or socialist ideology, fighting for the express defense of the capitalist and individualist ideas. The poor in the developed countries must wake up, because the day may not be far off when they will be classed with the rich, and enslaved together with them.

The Party must stand for a moral revolution and for socio-political education which follow the natural law, and it must be radical in a fundamentalist sense. A most important task would be to get men to recognize the merit and triumph of their brothers, and to rejoice in the accomplishments and good fortune of others. This sentiment, in turn, promotes the respect for the rights of everyone, and is besides a sign of maturity and of being at peace with oneself, of a good spiritual disposition and of a real desire for harmony with one's peers. On the other hand, the Party can do no less than fight unjust blueblood, nepotic and clique privileges: all formal or de facto juridical discrimination—in addition to those of class, race or creed—is contrary to the capitalist system and does not help in its development. Few things can be as effective against exploiters and corrupt individuals as teaching their victims to claim their rights according to their constitutive contribution and not to their needs. Good capitalists cannot identify peace

with the maintenance of a status quo which benefits the despicable interests of rich oligarchs.

The Party would fight every educational tendency to promote the decadence of our values or the inability to defend them, and which may forestall an authentic democratic life in the future by creating programmed individuals unable to think for themselves. The Party would help forge the true international man, the full individual. In or out of power, the Party would fight to prevent any undue interference by the state in social affairs, and to put into effect social forces and mechanisms which have through the ages fostered spontaneous peaceful coexistence and guaranteed that no one is denied what he has rightly earned. It would counter the disinformation put out by venal media, and bring to light all possible information derived from international communist meetings. It would also channel and strengthen libertarian artistic and literary movements—victims today of an ideologico-spiritual assault and unable to express themselves without self-censoring or shame, in the fashion of *revolutionary poetry*. Its entry into the political arena might flare up the struggle, because it certainly will not be able to wave a magic wand and accomplish in a few years what humanity has been trying to accomplish in tens of thousands. But we must start somewhere.

It would advocate protecting the allies, securing borders, and a war to reconquer certain key territories in order to ensure political stability and protect the peace, not with the intent of engaging the enemy in its own field. That would be its fundamental, combat task: although one with the subjected peoples, it would be conscious of the extreme gravity of widespread conflict. But if capitalism continues to be an edifying role model, the communists will change sooner or later. The Party would also have the advantage that if it attained power it would prevent thirdworldist positions and any undue influence of the mighty over the weak, and it would foster more equitable agreements among nations. And once it gained strength, it would attempt to negotiate an honorable peace with the enemy. The Party is also a way to peace through strength and courage. It can act when mutual defense organizations cannot or will not: in Central America, for example, if it had been already constituted, it

might have already won the war through its own resources. Before it is born, it is sorely missed.

By virtue of the need to survive, from the time armed conflict begins until it ends, the antagonists must be considered to be on a war footing and wield their weapons twenty four hours a day. It is no violation of human rights, then, to execute the antagonist (who is in the wrong) at any time and by any available legitimate means (in essence, those that do not intentionally hurt third parties), which may not be necessarily consistent with the conventional law of the times. We lament, however, that in the anti-communist struggles undertaken in such places as Argentina, Chile, Guatemala, and El Salvador, evil passions overflowed and unjustifiable abuses were committed, such as hurried executions of innocent suspects and threats or attacks against the (non-combatant) families of terrorists. An armed force full of the capitalist spirit instilled by the Party would obligate its members to hold to a strict moral code of war, and would severely punish any transgression of individual right. Unfortunately, there are some perhaps well-intentioned but not fundamentalist measures, such as international law, which can hamper the function of the Nomocratic Capitalist World Party just like they already do other libertarian initiatives. Yet in practice, no one can block the formation of an ideological alliance which organizes political parties, and (if they triumph) establishes territorial strongholds to serve as bases for the creation of libertarian armies. All beginnings are hard, but there are millions of people all over the world, I am sure, who are waiting for an alliance which, among other things, fights against the loss of fundamental values, prevents the alienation of man, guides the youth, and reduces vice and other social evils. Not a farfetched notion when man is illuminated by an ideal.

The political posture of the Party would necessarily have to be subject to variables dependent on the cultural characteristics of the peoples among which it took root. But on the fundamental question, there could be no differences. The advancement of nomocracy is an indispensable condition; if this be dogmatic, the Party will be ultra-dogmatic. Thus, respecting the particular idiosyncrasy of each host nation, the Party would try to make every man a fighter for the cause. It

would never assume a dictatorial inclination, it would be tolerant, and it would not attempt to establish a rigid societal model incapable of self-renovation. In democratic nations, its members would compete in the political process in the manner customary there, even though they will fight for a fundamentalist democracy in order to prevent it from becoming corrupt or ruled by *the bourgeois spirit*. And where legitimate permanent governments are at the helm, the Party would only attempt to foster increased awareness of the goodness of the nomocratic system of life, and to recruit volunteers for international action in favor of the cause.

Wherever it gained power, foreign policy would be directed specifically towards the triumph of political ideals, not motivated by sheer economic or other such interests. Because the best way of defending economic interests is through ideological alliances; if intrigue and diplomacy are used for the purpose of achieving a legitimate political triumph, however, such uses would be rational and praxical. Again and again throughout history, we have seen that actions based on immediate (pragmatic) interests produce better outcomes than those based on ideology. But that has been due to military weakness or to the small number of principled individuals, and the *good outcomes* do not last because they do not bring peoples together.

The case of the North American empire is a very special one, perhaps even unique in history, since it has inherited an enormous reservoir of ideological militants who can act in a concerted fashion. If this reservoir is further neglected by giving preference to immediate interests, the result will be a continuous and permanent loss of true allies, and the preservation of an empire in decadence (or without a solid foundation) for perhaps another thirty, fifty or one hundred years. If the ideological alliance is revitalized, there will be initial difficulties because of the prolonged neglect. But once they are overcome—which the Party, better than anyone, can do—the libertarian empire could survive, in full glory, till the end of time.

The Party would be a powerful means for good-hearted men (who have become distanced for a number of reasons) to come together once again, and it would also be a powerful weapon against those who mean to divide them. It would foster harmony with socialists and humanist communists, and

bring the social classes together, rejecting the Marxist fallacies on the one hand and unbridled mercantilist pretensions on the other. A Capitalist Revolution is the most fundamentalist one that can be conceived. And this is a revolution that will involve us all, through our Party, against the challenge Communism poses to every free man. It may well be that it is all written. But since we do not know the future, we need to forge it through our present actions, because it will necessarily derive from them. If we wait passively for the triumph of Communism, it will necessarily come. But this depends on our decision this minute. And the Party is the weapon which must channel the will in order to ensure that men of libertarian spirit be the ones to assign a purpose to history.

Notes

¹Lenin, V. I., *State and Revolution*, Ch.V, p.84. International Publishers, New York 1983.

²Hayek, F. A., *The Road to Serfdom*. The University of Chicago Press, Chicago 1975. To anyone interested in the subject, I emphatically recommend reading chapter eleven, titled "The end of truth."

³Dalton, R., *Pobrecito poeta que era yo ...*, Ch.III, pp.207-211. Editorial Universitaria Centroamericana, EDUCA, Costa Rica 1981. I would like to know whether the Sandinistas consider Rubén Darío a *minor poet*.

⁴Aron, R., *El opio de los intelectuales*, Ch.IV, pp.131-134. Ediciones Siglo Veinte, Buenos Aires 1979.

⁵Luxemburg, R., *La acumulación del capital*. Ediciones Grijalbo, S. A., Barcelona 1978. The author represented the upper crust of the new orthodoxy of radical Marxists of her time, as no one who reads the demands of the Spartacus League can doubt. The prediction that capitalism would be overthrown by the rising indignation of the working class (on page 453 of the Appendix) has obviously failed, and the indignation of the workers is instead being directed against the communists, as in El Salvador and Poland.

⁶This important document, copyrighted in 1984, is the work of the American Security Council Foundation, located in Boston, Virginia 22713. This work is of conservative bent yet tolerant, courageous yet prudent, and contains quotes of important political personalities of our time. Whoever reads it will clearly see the difference between the policies in defense of capitalism and those in defense of communism.

⁷Rangel, C., *El tercermundismo*, Ch.III, note 14, pp. 109-111. Monte Avila Editores, C. A., Caracas 1982. Here the author makes clear the connection of black anti-racist activism to Marxism and thirdworldism. After setting the US on fire, Carmichael and Stokely go on to say "they will sit like Nero before the spectacle, with crossed arms."* The Tricontinental Solidarity Organization is an agency in Havana which functions for the purpose of fomenting violent revolution in the Third World.

*From *El Tercer Mundo, nuestro mundo*, in Tricontinental, number 1, pp.15-22, July-August 1967, Havana.

⁸Leonhard, W., *The Three Faces of Marxism*. Holt, Rinehart and Winston New York 1974. For those interested in an analysis of the different tendencies of communism, this book is very educational. We learn here that scientific communism is considered independently of Marxism. Supposedly, it is called to explain the scientific laws which rule the class struggle, the dictatorship of the proletariat, and other such matters. The course was first taught in 1963 and its goal is to get great masses to consider capitalists, and especially North American society, as scientifically proven enemies of humanity. There is no doubt there is fear of ever increasing dissent which may lead to more serious internal problems; that is why Khrushchev is rejected in favor of a neo-Stalinism (pp.185-189), even though it is rather doubtful that Khrushchev was sincere in his tolerance.

⁹*El Salvador: Who Speaks for the People?* is a book that sheds light on the facts of the war, and, in the matter which concerns us, on the apathy of the great majority of Salvadoran businesspeople who failed to take an interest in institutional affairs. They neglected the army, the clergy, the teaching profession, politics, the university, and others, sticking strictly to business matters. Because of that, when the war broke out, they found themselves with little power to influence it, deprived of their possessions, and discredited.

CHAPTER IX

THE SWORD AND THE PLOW

Logic might have led us to a similar conclusion even before the apocalyptic writings. It stood to reason that when humanity evolved to a certain point wars would be less local and more generalized, and that the struggle between the two basic axes of political life would acquire a universal character. From ancient times empires were formed, but they could not extend to the entire planet, and they were undermined at the borders by other empires or other peoples. But we have come to a critical period in history which may see the establishment of a single empire—or the triumph of an ideological bloc—in the entire world, with obvious benefits if the victor is the right one. For the first time we can glimpse the possibility of a unified planet, although this is rather theoretical of course, because no one can predict the outcome of a war—if such unification occurs through war—at this historical juncture.

Does the idea of a new social contract seem farfetched? Mutual destruction seems even more so, but even with that possibility on the horizon it is difficult to achieve agreement among men. When there are fundamental differences in matters of basic values, these differences can hardly ever be resolved democratically—that is, through the vote—at least not in any lasting manner, given that dissenters would deem their basic rights violated. Today we have arrived at a Critical Historical Point, when two great human groups have been formed which are separated mostly in their different appreciation of a fundamental value: property. And these groups not only cannot resolve their differences through the vote, but the

struggle envisioned transcends borders and threatens to involve the entire planet. The time has finally come to choose between the sword and the plow, because in this situation the spark which sets off a confrontation of global proportions could eventually occur anywhere.

According to Nixon,¹ what confronts man is the constitution of a totalitarian expansionist power with ambitions of world domination—that is, the ideological basis has become secondary. Nevertheless, the constitution of such a power still needs, if it would attract newer incorporations, to offer a set of anti-concepts of right which makes those who embrace it feel proud to propose a legalization of class crime. Neo-Marxists, faced with the economic failure of the communist countries and their obvious lack of freedom, assert that the origin of such misfortune lies precisely in the lack of application of the true principles of the Marxist utopia. I will not deny that certain human shortcomings not attributable to Marxism have played a role in this situation, but it is obvious that the ideological conviction of the founders of the communist states was applied to a great extent in the practical arena and led to no good. Those neo-Marxists—Marcuse, for instance—believe that the essence of Marxism promotes the individual. But, as I hope the reader will agree at this point, the pursuit of a classless society and other essential elements of Marxism are the antithesis of the ideal way for the full realization of the individual. Communist societies have failed precisely because they see the community (or *the universal*) as the primary object of right, and as a result deem everyone's interests as an obstacle towards achieving the common good. Whatever positive there was or might be in a communist regime will always be the result of some preservation of capitalist right.

There is no doubt that the most serious conflict, which has come to be known as the East-West conflict, is that between Communism and democracy. The so-called North-South conflict is much less significant at this stage, although it could reignite given the lack of earnest commitment on the part of the industrialized countries to help raise the standard of living of the developing countries and the communist aggression of the latter, which is always directed against *imperialism*.

More and more, then, this confrontation takes on the characteristics of the major one.*

Due to the notable ideological homogeneity of communist governments, their clearly defined objectives, and their coordinated joint action, the communist system is as solid as gran-

*I still consider this conflict to be actual because, despite the absence of a Cold War between the superpowers and of the apparent dismemberment of the entire communist apparatus, the ideological struggle will one day become primary due to its enormous historical weight: it makes no difference whether the struggle pits democracy against communism, socialism, or against an unspecified tyranny. And at that moment, regardless of the moral content of its doctrine, the most strongly motivated side will have everything in its favor because it will have walked in praxis. For example, if there were a joint plan by the superpowers—of which Russia must still be considered one—to establish a world government, in the end the communists will have gained the advantage, especially because of the way such a plan would have to be put into effect: betraying the nationalist pro-capitalist forces in order to balance their influence and military power with those of the communist forces, or socialists, as they will surely prefer to be known for some time. It is a disheartening perspective, although the existence of a plan like the above is by no means sure. I admit, however, the possibility of the existence of economic interests bent on achieving global hegemony. Or there might be groups honestly meaning to create an effective mechanism to achieve peace, progress and freedom for all men in this world. Planetary rights exist indeed.

In order to overcome nationalist sentiments, globalists are accused of fostering suffering, death and devastation; but escalating conflict and other misfortunes might simply be due to factors and forces beyond their control. I am not so versed on this matter as to allow myself any but the most general speculation. And also in the first possibility there is no clear congruence between the end and the means: how has the triumph of Mao in China promoted the constitution of a world government? Some speculate that it was important to keep China from developing until the moment was propitious for its inclusion, but poverty does not seem to lessen nationalist sentiment, and it is hard to see how in the future a developing China is bound to lose its sovereignty. That might be an exception (since obviously we cannot view every political event as linked to globalist designs), and maybe the fall of other peoples (Cuba, for example) into communist hands means the creation of a regional balance of power favoring the globalists. Promoting the stagnation of certain wars (or their ending without a clear winner) might propitiate the subjection of their protagonists—since they would become economically and/or politically dependent as a result—while at the same time impeding the appearance of new third powers. Besides, such situations usually lead to the discrediting and isolation of authentically nationalist groups, with the ad hoc consequences of the case. And it might have been that because of the autocratic tendency of certain communist groups with possibilities of attaining power— with a consequent displacement of factions more willing to submit to Moscow and the rise of another kind of nationalism—the Kremlin (accommodating its own globalists) would have agreed to forcing its allies to seek a political solution and submit to the democratic process, both of which can later be exploited.

ite and highly resistant to local internal crises. Democracies, on the other hand, confront an ever more dangerous internal division, especially in the countries of the Third World, where a rapprochement between socialists and communists is taking place. This inner confrontation is made worse by the injustices which persist in the region, but unfortunately correcting those injustices would not solve the problem. Several factors come together to explain this phenomenon, the existence of communist parties or guerrillas to wit. These forces would not in themselves be so dangerous if it were only a matter of dealing with them. But there are some socialist and thirdworldist movements which not only hamper development but make optimally effective anti-communist action impossible, action

However, such situations might constitute, among others, unilateral imperialist maneuvers, in addition to being far from easily manageable despite the wearing out of nations, since the local adversaries themselves might achieve agreement among themselves in order to avoid being used. The result may be a revitalized Latin Americanism and other similar things. Consider, in both contexts, the way the media favored the FMLN—a somewhat manageable movement—and how it now opposes *Sendero Luminoso*—Peru's Shining Path, susceptible to no outside influences. FMLN lobbying of the media does not suffice as an explanation: both exhibit the same social hatred—or as others would have it, the same zeal for the defense of dispossessed—and the socio-economic conditions of El Salvador and Perú are essentially comparable.

Now then, the globalist theories are not supported by the rejection of Marxism, no matter whether this is considered as a trap, as a need (of both economic and technological assistance as well as to placate internal unrest) or as the product of sincere reflection. I have not heard a convincing explanation to link any of those situations with a plan favoring the interests of joint domination—the breakdown of the empire as such into independent nations seems to get in the way of that plan, and not much effort seems to have been made to prevent it—although some argue that this is precisely the right setting for establishing a control mechanism, since it facilitates placing certain key pieces—Gorbachev and Yeltsin, for example—which find acceptance with the masses, under the guise of promoting rapprochement between the peoples in order to be able to control the reaction of the radicals. Only time will tell, although we are witnessing disagreements and not joint imperialist maneuvers between Russia and NATO. In any case, the theory of a previous alliance with the communists, even though it might be said that they had betrayed the globalists, seems weakened. On the other hand, just like a tendency towards a general confrontation may reappear, or a movement intent on imposing a tyranny of worldwide proportions may grow stronger, tendencies towards planetary cooperation and unification may also be coming to the fore spontaneously, as can be seen in region after region. But the success of the latter tendencies would depend on good faith on the part of our unexpected new allies, and I am still not prepared to bet the house on their sincerity.

which can only be carried out by the forces most determinedly capitalist. In addition, the democratic prejudice of the great Western democracies does not permit joint action of the kind undertaken by the communist countries.

The comfortable concept that peace is best attained by letting each people choose the way it wants to live solves the aspect of external influence, but not the internal problems. Because there is no such thing as a so-called popular election—only one which is in accordance with the basic principles of the culture and the commandments of nature can be so considered. In practice, that crystallizes in formulas for social conciliation which in democracies—or rather in democratic republics—are based less on vote counts than on political constitutions accepted by all duly represented population sectors. The minorities should expressly condition the inclusion of their delegation of powers within that of the majority to the respect of a fundamental law. Because polls reflect divergence of viewpoints, while the social contracts reflect their agreement. When unanimous agreement is not possible on a fundamental law, society must divide or even have to go to war. By unanimity I mean negotiated agreement, not absolute coincidence. But in certain cases social contracts (or at least some of their points) are approved only by counting the sectorial votes, disregarding the importance of mutual concessions. Sometimes a peace based on *respect for the choice of the people* is a consequence of the acquiescence of the minorities deprived of a viable alternative for changing the established order in the absence of allied support. This is sadly accommodating and defeatist, and only apparently beneficial.

Only those rare individuals who live according to the absolute principles of their nature identify with their true self; the rest of us can only hope to make such principles—which in the social sphere affirm the true self of the community—prevail. And the latter, because it transcends the alienating factors, is the only one having the right (in ideological terms) to proclaim itself representative of all the social sectors. As I pointed out at the beginning, this book was not meant to establish anything; it attempts, humbly, to answer some of the questions which arise when following in the steps of the Great Masters. Those who defend real democracy are still in the

majority. But if they were not, they would have to learn to believe in themselves more, and to appreciate the truth more than the criterion of *the people*. They are the natural leaders and the ones who must guide the world. Surrendering before the vote of the majority when it evidently manifests injustice and faulty judgment—Albanian Stalinism, to wit—is tantamount to becoming an accomplice in such injustice and error. The truth is that any group which does not represent a positive humanistic or cultural value must be excluded from the decision process, although its right to secede must always be contemplated. There is not a single rational basis for risking the fate of the motherland; ancient democracies understood that. The opposite is anarchy more than democracy. Peoples must be educated politically because the above evidences not a good attitude but a lack of historical and cultural responsibility.

What will the men of free spirit do if some nations start to vote pro-Soviet governments into power and to work for the destabilization of their neighbors? Would the will of the majority have to be accepted if it elected governments formed by racist or religious extremists, in cahoots with drug traffickers, or committed to develop nuclear capability, or to unilateral disarmament as *a show of good faith*? If they tie their own hands with inadequate concepts of the true meaning of democracy, and neglect the necessary struggle for the truth, they might end up either with no allies at all or subjected. And if the concern is the rest of humanity, what about if the majorities all over the world agreed with such things? The minorities all over the world would then be the rest of humanity we would need to fight for. Well then, it is the same within every nation. Free men must not in any way support the rise to power of fascistoid regimes or of tyrannies of the majority.

In some parts of the world, despite having been excluded, the majority retains its good judgment and its adherence to nomocratic principles. But due to a number of circumstances—the conscious impediment to the creation of a platform to overcome underdevelopment, and the glorification of envy by Marxism and socialism and by liberation theology, among others—the possibility of communist electoral triumphs (or of communist revolutions with majority support but without a legitimate basis), may not be as remote as it might seem in such

regions. Men of free spirit must value loyalty to the principles of natural law which such peoples still retain, and must commit to combating the factors which might make them lose hope and lead them down the wrong road, such as the tyrannies of the right. But perhaps the die is cast, and the danger is bound to materialize no matter what, because there is no need for injustice to exist for the communist ideology to bloom. Then, if the just refuse to echo the despicable belief that if tyranny is inevitable better that it be one of the many, they must oppose any such tyranny of the majority. If they will fight for the truth wherever it may be, they cannot feel small because of it. Otherwise they would be adopting an anti-historical posture, and any movement founded on such a basis would lack the will and spiritual strength needed to carry out any noble task. On the other hand, just let any racial minority in a great democracy come to constitute a majority, and the democratic vocation of certain sectors will show itself for what it is, a useful device. Allegiance to nomocratic principles would be invaluable here to prevent the enactment of discriminatory racist laws by one side, as well as any unwarranted claims of power and benefits, or of modification of the established cultural patterns, by the other. The right-bound historical factors—generally expressed in the political constitutions—are the ones which entitle a group to rule a nation.

The moment has come when projecting the nomocratic doctrine on a worldwide basis can no longer be postponed, lest it be lost forever. Nobody can police the whole world—that road is bound to degenerate into imperialism, and so is demagoguery at the international (or macro-political) level. If there is something good which can be said about the communists, it is that they defend what they believe in against the many no less than against the few. That is the only honest attitude towards life, and the only one which can permanently bring firm allies to our side.

It is narrow-minded to label a regime as illegitimate only because it has not come to power through the electoral process. Even worse, such labeling is being used to discredit anti-communist regimes all over the world. The communist insurgence does not benefit by the mere absence of a democratically styled regime. The opposing forces fight because they have different

appreciations of justice, the case of my country, to wit. Some peoples are not prepared to live under a democratic regime, and just like only a crisis of values can destroy an already established democracy, attempting the democratization of a radically divided people is a two-edged sword. Tyrants must be overthrown. But it may be better to resort temporarily to another legitimate form of government until the crisis is resolved. Because the more extreme is the situation, the greater is the susceptibility of the masses to demagogic manipulation, and the greater is the likelihood that they will attempt to use the vote not with civic spirit but with the spirit of revenge and as a tool for coercion. Anyone could be free to vote for a tyrant if the latter were to enslave only those who voted for him.² And if holding on to power for many years or for life—or for the length of a dynasty—is needed for a good cause to triumph, that action is sufficiently justified. The legitimacy of a government is not to be judged by its duration but by its actions. In fact, sacrifice in the noble struggle for a valid cause (as when the fatherland is saved in a civil war), overthrowing a tyrant in order to restore freedom, or being the artificer of greatness and prosperity for a nation, are most rational sources of legitimacy for power. It is insulting that those who have neither shed their blood nor shared in the sacrifice to attain freedom, pretend that merely by casting a vote they should be the ones to decide who is to lead the destinies of a political community, even worse when their choice entails a praxis contrary to that of the liberator.

The anti-ideology so fashionable today on democracy may come to constitute a grave threat to freedom. Ayn Rand accurately identified it as a neo-fascist tendency, characteristic of a bankrupt culture, which has come to be known as government by consensus. Because her words are irrefutable: How can a measure which threatens or discriminates against a minority sector of the population be considered acceptable only because a majority sector so finds it? Every moral human society must be based on a compromise which everyone must respect, where votes cannot substitute principles, nor numbers rights, nor statistics the truth.³ Man may be on the way to losing his rational ability for objective ethical discernment. The danger is considerable: since there will always be someone to manip-

ulate the masses and the votes, sooner or later everyone will be in a minority. Probably in a spirit of accommodation, however, or trusting the majority to share their views, there are many who would subject us to the totalitarianism of the votes. They have even gone to the extreme of asking the Holy Father to democratize the Church. He rejected their request wisely, because the Church is a theocratic institution ruled in the ultimate sense by God—democratizing it would lead to the total loss of its fundamentalist character. Next they will want to democratize the army, science, philosophy, art and the family to finish ruining the world.

In spite of the above, the Catholic Church is going along with the trend of hipostasizing democracy. However, we can expect that it will reconsider if *the will of the people* becomes more openly and thoroughly at odds with the will of God. Unquestionably, there are legitimate manifestations of the will of the majority, but a practically unqualified right to voting equalizes the responsible, the honest and the enlightened with the vicious, the immoral, the crooked and the stupid. The most powerful reason we have to fight for democracy is precisely that, at least in those countries where it is still lived up to its republican founding ideals, it has demonstrated that it can safeguard the individual liberties. In such a way, democracy may even prove to be the best way towards principled anarchy. Still, because this is a circumstantial reason, we must continue such struggle only while those circumstances prevail. I hope that we are approaching a point where a crisis of values can be overcome in praxis of nomocratic right by appeals to the collective conscience. By the time being, this still needs the guide of a natural aristocracy, although the latter does not rule openly. And if necessary, human rights can and must be defended within the framework of any other legitimate type of government, without any need of falling into despotisms or totalitarianisms of any kind.⁴

As I have said from the beginning, much of what is stated in this work is meant to serve as theoretical analysis intended to enlarge ideological horizons, rather than as concrete political analysis. Obviously, for instance, the electorate in the great democracies can only exert its influence in a small area of societal affairs, while important matters affecting the fate of

nations are really decided by an established series of elites. Most voters are unaware of such decisions, and perhaps would not approve of them if they were. Warning against the dangers of democracy, when the majority does not really have a say, might then seem irrelevant. Helping to overcome ideological biases, however, will always be of benefit, especially if we want true and enlightened democracies eventually to rule on earth. On the other hand, we are dealing here with a simple law of life: whatever the system, there will always be those who, born to lead, will transcend the rules of the system, and lead, following only their own designs.

Contemporary man is not prepared to live in the Utopian Society of Ethical Men, but he can come into contact with all the inhabitants of the earth. Therefore the circumstances of the Critical Historical Point, and therefore the possibility of lucubrating about worldwide peace. Some idealists propose world unification as a road to peace, but it would seem that the only way of achieving that relatively quickly would be in the traditional manner: through war. The communists are orthodox in the task. Not so the capitalists, although with half of humanity enslaved or manipulated at will, they would be duty bound to enter the struggle. But the destruction and sorrow that struggle would bring cannot be justified, and the capitalists cannot take on the responsibility to initiate it. Fighting on the borders in order to deter aggression is another matter. That is why the Party and other combative measures are ineluctable before the present reality, since free men cannot negotiate away their values.

Others believe that the best thing would be for the US to grab its share, that is, for the US to consolidate its present sphere of influence and for the Soviet Union to do the same, and they speculate that is more or less what summit meetings are about. That may alleviate things temporarily, but it does nothing to solve the internal conflicts nor does it lead to permanent solutions. Such a thing would only be acceptable if it implied a humanistic commitment and a guarantee of consolidation of the Democratic Empire. I had come to imagine not a division of the world among the superpowers, which I considered an attempt against dignity and right, but a double or triple social contract which allowed each one to choose

its style of life. But such an arrangement would truly have implied dividing up the world or transferring large human groups, the opposition of third parties, the loss of property for many, enormous problems of adaptation, employment and others, not even taking into account the problems which would later arise, such as differing interpretations of property matters, requests for subdivisions, or the desire for change. The whole thing would become absurd, although in theory living and working with like-minded people could be an appropriate solution. Because of that, I ended up accepting what wise men have always proclaimed: that the real basis for a permanent solution has to be, short of love for each other, at least the attainment of a level of genuine understanding of the human spirit and a respect for its natural ways of fulfillment.

I am convinced that the prospects for peace are above all in the hands of the rulers of the Soviet Union, since it is possible that they might decide to follow a more intelligent diplomacy. But we cannot put our trust on that, since much will depend on the political course of events in that country. A trustworthy rapprochement with the Soviet rulers—although it might be fostered through projects undertaken in common—seems unlikely, but one between the peoples could be attempted through cultural, commercial and sports exchange programs. When the people come together, the governments eventually have to follow. No one denies that there are meritorious people in the USSR, even within the ruling classes; human beings that they are, many communists have good intentions. It is unfortunate that little projection can be expected in some areas, given their mental political alienation. That is why capitalism and Communism can only come together in the practical matter of mutual survival, not in the ideological one (as those who carry the portraits of both Lincoln and Lenin would have us believe) but if no more than that were achieved it might prove sufficient to ensure peace. However, I am for an ultimate offer of good will which provides time for reflection and a peaceful transition which liberates the oppressed, not for establishing a new world order in which communists have decision-making power, and which I would support only in the case that it turned out to be nomocratic.

All of that is talked about, but nothing is crystallized. The war continues to expand, and poverty continues to increase. Is it possible, then, with the present resources, to get men to accept and commit to, say, a social contract? Perhaps, but we would have to take one step at a time, just like our ancestors. There are already some organizations which evidence movement towards the creation of a kind of transnational law for the purpose of resolving disputes among nations. The basic problem confronted in these, such as in the United Nations Organization, is that they do not have effective power—sufficient against the weak but not against the mighty. Thus arises the concern that such an organization could be influenced by the latter (or act by itself following the current democratic or humanitarian anti-concepts) against the sovereignty of the former. The best way to avoid that is for the organization to constitute itself as a genuine political world aristocracy. But as long as international organizations do not represent unified political communities or interdependent productive groups, they cannot collect taxes to function properly.

Some liberal capitalists believe that the solution lies in good measure in combating economic nationalism. They assert that a stable arrangement would require, among other things, free movement across borders, since local resources could otherwise not be used equitably, differences in salaries would inevitably arise and an atmosphere of confrontation would ensue.⁵ It seems doubtful, however, that such a proposal would result in the practical benefit of a better exploitation of global resources, or that salaries would be unified. As long as nations are not formally unified—which would allow for an adequate redistribution of resources—we might come to see massive concentrations of skilled labor forces side by side with high unemployment—the displaced local people—as well as regions crammed with unskilled labor force. The worst thing, however, is that in itself this proposal violates the principles of nomocratic right.

It turns out that no person or group is obligated to allow another to make use of what they have previously created or from their inheritance, deriving benefits which require a previous labor which has not been performed. The objection will certainly arise that, while particular enterprises are free to

recruit immigrant workers, nobody is being forced to allow anyone else to enjoy the fruit of his labor. In this case, however, unlike that of simple trade, there are common possessions and resources at stake over which the group behaves as a particular unit of right before other groups. Unless there is a disqualification of society, then, the needs of its constitutive units cannot override the right of the group to preclude sharing the resources and opportunities created jointly with other units alien to such creation. The relatively greater salaries enjoyed by US workers performing the same type of labor—as compared to Afghanistan's, for instance—derive from what has been previously created by each human group. Allowing everyone free and equal access to such creation is bound to cause conflict because it attempts against the recognition of labor.

It would be inconsistent to object to the above by pointing out the anarchy which would result if a group (say, a country) were divided into smaller units (counties, cities and so on) and those units closed the door to undesirable immigration originating in the same country. Because it is quite clear, at least for the purpose of theoretical analysis, that the borders between groups are not arbitrary. Rather, they are the outcome of a shared historical process, which in turn gives rise to a field of application of a common law. A healthy, non-chauvinistic nationalism seeks no unfair-advantage protectionism. Rather, it defends a patrimony at the level of the first rights to property. Obviously, free movement of resources favors their best allocation, from where we all can expect to derive benefits. Its praxis, however, has to be guided by ideological principles. In this framework, nomocracy favors a progressive free movement of labor as nations become politically unified and subjects of a common right. Meanwhile, that is justified only in the particular instances when it constitutes an organic requirement of society, as when it supplies needed and otherwise unavailable resources locally.⁶

Those who propose a new international order, moral in nature, which they say is meant to defend what is good for all of humanity, not just for one nation—*Aquarians*, for instance—blissfully forget that it will have to sacrifice some for the benefit of others. The first are expelled from humanity by arbi-

trary decree, and the second benefit from the new anti-concept. As a rule, I agree that any unipolar control of global resources is undesirable. I favor greater cooperation among the various ethnic, religious and national communities, and I identify with most of the principles of the recent *Declaration of Interdependence: A New Global Ethic*, signed by highly respected members of the Academy of Humanism.* However, the value of interdependence among the various human groups is exaggerated: individuals (and by extension, local groups, not the whole of humanity) are the productive units, which makes them the objects of right.

I do not wish to be misinterpreted: if world unification led to putting into effect the nomocratic system, I would be all for it. It does not matter in this case if there is a single political power, but it is preferable that we reach that point through a progressive depuration of nationalism, to avoid risking the implantation of a single overly inflexible social model. A disadvantage here is that humanity, despite the presumed influence of some enlightened cliques, does not seem to be prepared to benefit from the concentration of power that path would imply. There are alternative ways to eliminate hunger, prevent ecological damage and foster the peace—which I assume are the goals of many globalists—because the disappearance of borders does not in itself provide a solution to the problems which afflict man. The worst thing is that, by virtue of requiring a unified control structure, globalist efforts may give the communists or statists a golden opportunity to take over the world. Encouraging national capitalism is a worthy goal for the Party, and would preserve libertarian independence until borders are no longer needed. Perhaps the formation of economic blocs will eventually lead to the peaceful resolution of conflict in the world. But in the short term, much can be gained from international organizations and richer countries committing in earnest to help the more disadvantaged ones, and from a more moderate direction in the foreign policy of the communist countries.

In Addition, the role played by organizations with power to influence man's consciousness such as Catholic Church, is crucial. Many of the tenets of its Social Doctrine (SDC)—to wit the

*This appeared in the Autumn 1988 issue of the periodical *Free Inquiry*.

interdiction to take unfair advantage of weak partners—are akin to nomocratic ones, only that the SDC bases upon to Gospels and nomocracy on the constitutive principles of society. But as long the Church continues to blame poverty exclusively on the presence of social injustice, it will not avoid being instrumentalized against the peace it seeks to promote.⁷

Holy war

The free men of the world are fed up with having to witness the devastation, suffering and death which *revolutionaries* bring us. They are sick of the *popular struggles* which only bring the most frightening degradation of man. True, Communism is merely an expression of the anti-libertarian axis. No less true is that wise men of reason must reject every tendency, be it spiritual or intellectual, to deny the rights of even a single individual. But Communism is the sole instance of such axis with pretensions of universalization. Modern democracies confront a danger of extinction much greater than the one posed by fascism in this century. But even though they have neither neglected their military preparation, I believe that will only be partially effective unless the inner ideological struggle is won—the democracies are more likely to succumb to that than to war. I differ somewhat with J. F. Revel on this matter, because democracies do have a fundamental ideology to defend.⁸ But in order to conceive of it, it is essential to accept that it cannot depend entirely or necessarily on the will of the majority. The enemy will ponder one and a thousand times before attacking if it finds its rival armed with the solidity and moral stature which derives from an integral, unbending and noble appreciation of life.

No matter how lost Sartre may be in opting for communism, he does not contradict his philosophy of carrying out a libertarian act. Those of us who believe in capitalism must also carry out acts of freedom for its sake. And if in defending our beliefs we clash on the road of life with acts of freedom carried out under a different banner, so be it. We will chalk that up to fate. Fate must not be forced, however, and we can attempt to coexist in mutual respect of our libertarian acts. The moment may still arrive even then to defend what one cherishes and

believes in, giving no quarter. This is the supreme down-to-earth act of freedom possible to man, and perhaps the one God demands most strongly when the time comes. Men of faith must give their devotion and love to freedom more than to peace, because otherwise they will get neither one nor the other. Capitalism must be defended with *barbarian spirit*, to the ultimate consequences: no political center, but the defense of what must be defended. Imposing a political center is no less imposition than any other. The failure has been, not in supporting allies, but in only supporting them halfway. Moderation is the road to defeat. War must be won by any licit means within reach. After victory in a holy war is time enough to be magnanimous.

Uniting free men by means of the total embrace of the nomocratic doctrine is a historic necessity. The future is being written right now. A single victory is all that is needed to recapture the warrior spirit of Saint Louis.

This work is also especially meant to provide further underpinning for the Western fundamentalist spirit, because that is where the trump card can be found. Everyone expects the many genuine patriots who find themselves in other camps to recover that spirit which made their fatherlands great, and to lose the incomprehensible sense of moral relativism which keeps them from being true to themselves.⁹ However, it does not seem that men are irreconcilably distanced, as communists would have us believe, nor that they are too grievously hurt to be able to forgive the offender and forgo dueling. Above and beyond our differences, we must remember that, anyway, the communists are still our brothers. I believe those who at the bottom are still on our side but have strayed from the path have done so in pursuit of misguided ideals: I know that peace and justice are their goals, and that they do not wish egoism leads them to a biased view of reality that become an obstacle on the way. But in order to achieve such goals, we must stand by our fundamentalist values before it is too late, and it will be too late when fifty million allies are dead and buried, and a hundred million soldiers man the trenches on the enemy side. What will follow, as can be expected, will be erstwhile allies moving rapidly towards rapprochement with the Soviet bloc and lending their soil to

enemy bases, cut supply lines, and the final gasp of the cause of freedom.*

Withal, we are authorized to defend ourselves but not to march against the enemy, because we too have offended God, and because our own corruption has planted a good seed for the emergence of communism. We cannot by ourselves decide to embark on a holy war, but I have no doubt that if the foolish stubbornness of the enemy persists, we will get—perhaps through a saint or a prophet—unequivocal signs that God is calling on us to fight for the truth.

But let humanist socialists and liberation theologians not assume that we misunderstand them—we feel their pain over poverty and injustice. We rejoice over their love of others, and we can assure them that we feel with them. If, however, they accuse us of pursuing our own self interest, we can only reply as the founders of communism did more than a century ago, “Precisely so; that is just what we intend.”**

What are they waiting for in order to make common cause with freedom? Are they afraid of truly reactionary forces, or is it that they are newly attracted to communism? Let us ponder, and we shall see that it is the capitalists and not the communists who most help to alleviate the needs of their brothers. We see capitalists doing missionary work, and by that I mean any work which helps others, no matter that others do not always share their values. But has anybody ever seen communist mis-

*Since a confrontation between the superpowers seems less likely these days, the world is at least for a while a safer place, but we cannot be sure of the reservoir of support for the communists in the major democracies—and in the Russian Republic itself, where the majority still seems to idealize the October Revolution—or of the sphere of influence which those communist powers or movements which remain stable or organized may attain in the world. If the democratization of Latin America is not accompanied by a solution to its multiple problems and a capitalist social praxis, the time may come when the social malcontents will become the dominant political force. And if the longterm outcome of the Persian Gulf conflict and of the Pax Americana is exacerbated anti-Americanism among Islamic fundamentalists and nationalist Arabs, and their rise to power in key places, who will be the natural ally of all of those forces? We may then discover that we should have never trusted in the demise of Communism which, probably in alliance with the neo-fascist groups rising from the ashes of the Soviet Empire, will then be able to wage the final battle with more trump cards in its hands.

**That is how Marx and Engels answered in the *Manifesto* the accusation that they meant to abolish property.

sionaries? I have only seen them on missions of hate, terror and indoctrination. Free men cannot come together again on the field of action with the psychopaths of political life, and can only coexist with them as long as their hatred poisons only them. Fundamentalist pastors must not let others grab the causes that are theirs: the cause of the people and the cause of the oppressed. And just like liberation theologians promote their own agenda, so must they guide and lead their flocks in religious orthopraxis.

Like the liberals and the pacifists, I do not wish to embrace the wrong cause, but I want to defend what God commands we defend. Free men can do no less than reject all the garbage coughed up in the unfortunate Manifesto of the Communist Party. We have the duty to build and bequeath a better world for our children, lest in judging they find us wanting. I understand "Hell no! We won't go!" only when the cause is not noble, but a sacrifice for the truth can be denied neither to God nor to man.

We cannot wait sitting down for the occupation armies to take pity on us and not exclaim, *Vae victis!** How could we ever explain to our children that we did not know how to earn our freedom? Pacifists, the historic moment does not demand that you engage in the armed struggle. But it demands your moral support for the warriors for justice. Yet many of you will deny even that. Well then, without you, the men of faith will fight and die for the truth. But they will also vanquish the enemy and achieve the peace without you.

Brothers of all races and creeds, follow the example of my country and do not abandon what you have achieved. Peoples all over the world are already closing ranks, and have started to embrace a single cause of freedom, respect and brotherhood before which no one can remain uninvolved. Let the rejection of so many concepts so deeply offensive to human dignity serve as a banner for the unity of free men. And let such base concepts function for what they are, to fertilize the soil and promote the growth of courage and will in the final battle for freedom. Men of faith, free men of the world, let us unite!

**Woe to the conquered!*, said by Brennus, head of the Gauls, in response to a request for justice made by the defeated Romans.

Marxist-Leninists, although free men offer you an honorable settlement, you would exterminate even the English language in your delirium, and drown the reason of others in fire and blood. I cannot predict when justice will find you and you will reap the storm. But you have sown too many ill winds.

I still remember the last lines of a *poem* by a Salvadoran radical whose name escapes me: "...and meanwhile, many dream of the day in which the peasant women cut the blond tresses and sink the knife in the belly of the society girls."

If we dare to call ourselves the just, we must start by being humble.¹⁰ But then, we must not forget that at the moment called for, the society girls will be the daughters of every man who makes progress, who cherishes freedom, and who believes in being the object of inalienable rights. Are we going to let the pigs trample the daisies? The whole world awaits a decision of the free men of the planet in support of the defense of the faith. Let us consider the past; never have the teachings of God at Kuruksetra have been more relevant than today: free men have chosen God on their side, the others His army.

Free men must make clear that they prefer the plow, but that they will take up the sword in order to defend their principles to the last man if need be. Enough of vile surrender! Let us rise and heal our tuberculous souls! Let the other men of iron* also march forward!, the ones who, though still in the flesh, incarnate the worldly praxis of the principles contained in the words written down at the speed of light!

Holy war rather than submitting to the enemies of freedom! Reason is on our side, but above all we have our faith, and the people of God are with us.

Power to the West!

**Editorial Note:* To surrealists, men of iron are those who have transcended their bodies. The author extends the concept to those who are engaged in the fight for freedom. The reference is from certain passages of the *Letter to the Buddhist Schools*, published as a manifesto in 1925—see note seventeen in chapter seven of part two.

Notes

¹Nixon, R. M., *La verdadera guerra*. Editorial Planeta, Barcelona 1980. The quote from General MacArthur on which this work begins could not be more to the point: "The history of failure in war can be summed up in two words: too late. Too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends." As I have repeatedly stated, I do not propose siding with tyrants whose anti-communism is merely a convenience to get away with murder. But sometimes genuine allies are forced to do so simply because the alternative is worse. I don't think that Nixon I either proposing that, but the obvious nomocratic praxis: get the genuine allies to power. In addition to purely political themes, Nixon touches on such social matters as the grim defeatism in which a large part of North American society is mired. He is also right in that the Third World War started before the Second, but he still does not hit on the exact date it actually started before the First, in 1848 to be precise, with the publication of The Communist Party Manifesto.

²By the time I published the Spanish edition, there was the grave danger that the peace and democratization plans for the Central American region would serve only to help the Sandinistas consolidate their power through a majority vote. It seemed quite possible that while most Nicaraguans might not in their heart wish to live under a regime opposed to a valid framework of right, they might feel forced to support it for reasons unrelated to their deepest desires. In a situation of that nature, the only honorable way of avoiding a conflict consists in respecting a political constitution that guarantees everyone their rights as individuals. I endeavored therefore to try to point out the conditions which might make such a constitution possible and the key points it should contain. But, fully aware of the problems presented in making that come about when there has been an electoral triumph and the victor controls every center of power, the only solution I found was a refusal to participate in elections, since doing so implied accepting the validity of the electoral mechanism. And while not even that legitimizes a majority will opposed to natural laws, great support for the Sandinistas on the part of the international community was to be expected. In my view, what that historic moment demanded was a victory march of the anti-communist resistance through the streets of Managua, nothing less. Later, my fears proved to be unfounded, at least for a moment. Another people gives the liberal left wing a great lesson. Events such as this strengthen our faith in democracy, but in essence it is not democracy which has triumphed but the will of good-hearted men.

By the time of preparing this edition, my fears relate to the pseudo-capitalist praxis ARENA is following in El Salvador, as I pointed out on page 487. ARENA may well achieve what the Marxist guerrillas did not: voting the FMLN into power. As bad as it is, no blame can be put on the people, for this is running out alternatives. In this situation, I proposed in an article—sadly mutilated and rendered naive, to say the least—to resort to a special democratic mechanism: to provide the party's bases with the power to purge the party of any corrupt or abusive element, to oversee the actions of public officers, to initiate pre-trials on those suspicious of any mismanagement, to demand imposition of severe punishments on those found guilty, and so on. All of this, evidently, coupled with the specific measures required by such a

policy, such as the indictment of any judge guilty of cover-up and of leniency, international assistance and surveillance, and coverage, surveys and finally referendums through the media. Anarchic as this might sound, this is only a form of direct democracy, although, of course, the ideal would be the fulfillment of the founding principles of the party by a new leadership. A more drastic remedy would be to resort to a de facto transitional government. Properly constituted and scrutinized, this would have the advantages of a quick return to a valid state of right and of preventing the communist rise to power. And it would not take long to prove that such a thing would be received with open arms by a huge majority of the people. In other words, it would be, in essence, thoroughly legitimate and sovereign.

³Rand, A., *Capitalism: The Unknown Ideal*, Ch.XX, pp.202 and ff. A Signet Book from the New American Library, New York 1967. I wish to go even further than the author, because it is truth and principles rather than compromise which defend society from every form of gang democracy.

⁴There are various other ways than the democratic for peoples to attain self-determination. The role played through the millennia by great men and by minority groups highly motivated by a noble cause—who felt forced to assume responsibility and take the fate of their peoples in their own hands in the face of the prevailing situation—is of crucial moral import. And no matter what the origin and whoever makes it happen, whatever carries to victory what is fundamental and historic in a people is consistent with natural law. When the rights of individuals are seriously threatened, as can happen in times of grave social crisis, an autocratic regime committed to preserve a consensus at a fundamental cultural level may constitute a praxical necessity of the nomocratic system. It is better to reserve the use of the term dictatorship for regimes which take power by force when there is no fundamentalist need which requires it, but also to democratically elected ones which violate anyone's rights.

⁵VonMises, L., *Omnipotent Government, the Rise of the Total State and Total War, Conclusions*, II, p.284. Arlington House, New Rochelle, New York 1969. Obviously, the unification of salaries has several advantages, and can be an effective weapon against unfair competition. There are a number of things, however, that must be addressed first before it can be established.

⁶The liberal capitalist mentality, even though with the intention of encouraging the maximum possible expression of individual right, maintains that its proposal will obtain the best global economic outcome, which is no more than a hypothesis and one critiqued by many experts. Just to cite one concern, there is a great difference in the implications of unrestricted migration, and one based on existing job offers. And since the advantages of the proposal remain to be demonstrated, today it would be valid only in the extreme case that worthless and inefficient labor is all that is locally available. Not all the enterprises in different countries would be able to function under such an arrangement, for example, and they would be forced out of business. Equalizing world's salaries, in this case, can work the opposite way and favor unfair-advantage competition among the enterprises. The economic globalizing trend we are witnessing, however, is something to be expected and a logical outcome of the market process. In itself, this is morally neutral, and there are ways within this trend in which the mentioned unification of salaries can be attained in freedom.

Notice that there are important similarities between the free movement of labor (FML) and that of capital (FMC). The latter, however, is more

an instance of trading and, at least in principle, it does not use the local resources nor pushes the local people aside in the same manner that the FML. Let us keep present that the relevant situation in these matters takes place when labor moves from poor countries to developed ones, and when capital moves in the opposite direction. And here, since the differential of economic impact upon the objects of work is far more significant between the foreign capital and the local resources than that between the foreign labor—which we can suppose it would be mostly unskilled—and the one existing locally, foreign capital is usually more welcome than foreign labor. More important is the fact that while the FML gains access to a created economic platform, the FMC gains access only to natural and often undeveloped resources. And while a foreign enterprise might be even required to offer working conditions similar to those who offers at home, it is unthinkable and pointless that a legally imported labor force were paid the same salaries that earned in its original country. Of course, there are concerns and dangers with regard to the FMC, which we have addressed in several places. But those are in general due to taking unfair advantage and to the undue acquisition of power, not to the market process itself. In any case, if it happens to be undesirable, capitalism does not hold that a FMC should be something enforced.

⁷In fact, disregarding the *machista* praxis—perhaps the leading cause of misery in not a few countries—one can assess properly the existent degree of social injustice. But other elements within the SDC can prove even more dangerous, precisely because their lack of rationale is less apparent, for example considering the sharing of the earnings of the enterprise with its workers a principle of social justice. We have shown that such a measure places some workers on advantage over others who work in less successful enterprises, despite both render basically the same contribution. Some say that the SDC is appealing to charity and human solidarity, but nothing that is in itself against justice can be demanded on any ground whatsoever. In cases of this sort, then, charity must be demanded without any pre-established object, that is, free to be channeled to anyone in need.

Now then, anything considered a principle of social justice—such an honorable minimum wage—is something we can expect to be the object of legal enforcement. Thus, the SDC is actually endorsing the mentioned measure to be integrated as part of our political system. The worse thing is that, once widely recognized as a principle of social justice, every enterprise that does not share in the mentioned way will be deemed unjust, and this may someday fan confrontation instead of promoting harmony. As part of a contract, the proposal is acceptable, only that in this case the enterprise must be free to hire those who do not make such a demand. Should sharing the earnings of the enterprise with its laborers become an established practice, Christ would demand the most favored workers to share in turn their prebends with the less favored ones. The whole matter seems to be reducible to a case of selective over-taxation, almost always anti-nomocratic.

⁸Revel, J. S., *Como terminan las democracias*, Part One, La guerra ideológica y la desinformación, pp.157-158. Sudamericana/Planeta, Barcelona 1984. Revel feels that democracies have thousands of different ideologies as a necessary and integral part of the system, being that it allows dissent. It is therefore impossible to conceive a unified anti-totalitarian democratic counter-ideology. In practice, his argument is not without merit, although in my view he is referring more to the non-fundamental aspects of the ideolo-

gy. The ultimate essence of the democratic ideology—an ideology which can oppose the totalitarian one—is the defense of nomocratic right.

On a related matter, Revel points out (p.315) a classical double standard: as long as there is a Pinochet, it is argued, we have no right to judge Poland. But no one argues that as long as there is a Poland we have no right to judge Pinochet. Of course, the point here is that the way reciprocal absolution (as Revel calls it) is posed it tends to favor totalitarianism. What is most important is that if we accept the characterization of Pinochet as a despot (without going at this time into an analysis of his rule) he is not a product of the democratic ideology, while what happened in Poland was a product of the totalitarian one. It all goes back to inaction and the willing acceptance of totalitarian actions. It is almost taken for granted that as long as there is something wrong in an allied democratic country, the communists have the right to organize a revolution. But it never occurs to anyone to suggest that NATO get a guerrilla war going in communist countries such as Poland and Rumania, where poverty is not exactly unheard of (p.317).

As Revel accurately analyzes, and can be concluded from his work, every important dispute within the democratic system can be easily used to divide Westerners, since the communists are actively present in the free world. But when there is a split at the heart of the communist world, Westerners are nowhere to be found (p.134). A serious problem in the West is the split, not between nations but between groups within, and even worse, transcending borders. This is the case with numerous pro-peace organizations which, even though communists are not too often found among their rank and file, are indirectly but effectively run by them. Eventually, such front organizations may get a majority of the population on their side, which would enable them to democratically force the passage of tragic policies without that being considered anti-constitutional or dangerous to the survival of democracy itself. Revel illustrates with an abundance of examples how democracy allows (with every appearance of legality) efforts to undermine it. Reasons of convenience are neither enough: Castro and Duarte's followers prefer the poverty they say to be committed to fight instead of progress under a market economy. "Socialism or death" and "With Duarte if we starve", say their slogans.

As if that were not enough, the Third World presents now a situation in which a military defeat of the pro-libertarian forces may coincide with their triumph at the polls. If that is allowed to happen everywhere, the triumph of communism is only a matter of time. Because democratic governments will find it very difficult to disband enemy cadres—just look at what is happening in Nicaragua—and, if the time is right, communist armies will overthrow established governments on the slightest of excuses. The consequences could not be more obvious, the worst one being not actually a war between nations but a global civil war. Revel might want to reconsider: the danger to freedom does not lie in the essence of democracy itself, but in the anti-ideology which so commonly appears to define it today. The extreme is reached when the distinction between treason and the right to dissent is blurred. The founders of modern democracy never intended to bequeath to their children a system which allowed things of that nature.

⁹The prevailing attitude in politically influential circles in the US is similar to what has caused the crumbling of certain empires. Such an attitude is clearly evidenced, to give just one example, in the words of praise *Time Magazine* has for the superpower agreements which presage the possibility of an accord as a way out of the Central American conflict. Only a few

decades ago, any proposals made to the communists would have been based on agreements between the US and its allies, probably from a position of triumph. Today, we take the Soviet presence for granted, and have no second thoughts about considering it on matters concerning the region. I doubt that such an attitude will lead to anything less than the bloodless dislodgement of North American leadership in Latin America, to be progressively replaced by Soviet intrusion under a democratic framework.*

¹⁰In the first edition I wrote: "We the just...", which now seems to me conceited and preposterous. But those who assert that reason is always on the other side, simply forget that, depending on the point of reference, we are also on the other side. They do not tell man to be humble, but that he must never believe in himself.

*At the present time, such a danger persist under diverse populist guises and with new role players. The best way to counter this is to keep present that in the same way that the persons are responsible for their choices, so are the majorities for the actions of the rulers they choose—within the group and insofar as such actions may affect other groups—in the measure that they (the majorities) have weapons to set the wrongs right.

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