

is to play ball with the ruling orthodoxy, and not the opposite. The way of the demagogue is the riskiest and has the least chance of success.

It is the fashionable belief that an idea is wrong in proportion to its "extremism," and right in proportion as it is a chaotic muddle of contradictory doctrines. To the professional middle-of-the-roader, a species that is always found in abundance, the demagogue invariably comes as a nasty shock. For it is one of the most admirable qualities of the demagogue that he forces men to think, some for the first time in their lives. Out of the muddle of current ideas, fashionable and unfashionable, he extracts some and pushes them to their logical conclusions, i.e., "to extremes." He thereby forces people either to reject their loosely held views as unsound, or to find them sound and to pursue them to their logical consequences.

Far from being an irrational force, then, the silliest of demagogues is a great servant of reason, even when he is most in the wrong. A typical example is the inflationist demagogue—the "monetary crank." The vast majority of respectable economists have always scoffed at the cranks, without realizing that they are not really able to answer his arguments. For what the crank has done is to take the inflationism that lies at the core of fashionable economics and push it to its logical conclusion. He asks, "If it is good to have an inflation of money of 10 percent per year, why isn't it still better to double the money supply every year?" Only a few economists have realized that in order to answer the crank reasonably instead of by ridicule, it is necessary to purge fashionable economics of its inflationist foundations.

Demagogues probably first fell into disrepute in the nineteenth century, when most of them were socialists. But their conservative opposition, as is typical of conservatives in every age, never came to grips with the logic of the demagogues' position. Instead, they contented themselves with attacking the emotionalism and extremism of the upstarts. Their logic unassailed, the socialist demagogues triumphed, as argument always will conquer pure prejudice in the long run. For it seemed as if the socialists had reason on their side.

Now socialism is the fashionable and respectable ideology. The old passionate arguments of the soapbox have become the tired clichés of

the cocktail party and the classroom. Any demagogy, any disruption of the apple cart would almost certainly come from the individualist opposition. Furthermore, the State is now in command, and whenever this condition prevails, the State is anxious to prevent disruption and ideological turmoil. Demagogues would bring in their wake "disunity," and people might be stirred to think for themselves instead of falling into a universal goosetep behind their anointed leaders. Furthermore, individualist demagogues would be more dangerous than ever, because they could now be equipped with rational arguments to refute the socialist clichés. The respectable statist Left, then, fears and hates the demagogue, and more than ever before he is the object of attack.

It is true that, in the long run, we will never be free until the intellectuals—the natural molders of public opinions—have been converted to the side of freedom. In the short run, however, the only route to liberty is by an appeal to the masses over the heads of the State and its intellectual bodyguard. And this appeal can be made most effectively by the demagogue—the rough, unpolished man of the people, who can present the truth in simple, effective, yes emotional, language. The intellectuals see this clearly, and this is why they constantly attack every indication of libertarian demagoguery as part of a "rising tide of anti-intellectualism." Of course, it is not anti-intellectualism; it is the saving of mankind from those intellectuals who have betrayed the intellect itself.

3. Willmoore Kendall, Lectures on Democratic Theory at Buck Hill Falls¹

September 1956

Kendall's lectures may be analyzed in two parts: (1) his discussion of the layman and the expert and (2) his discussion of freedom of thought.

¹ Editor's note: Kendall's book *The Conservative Affirmation* (Henry Regnery, 1963), in particular chapter 6, "Conservatism and the 'Open Society,'" is quite similar to what Rothbard is criticizing.

(1) Kendall, it should be said from the first, is revealed here as a very keen and stimulating thinker, incisive, and with a sharply radical spirit, i.e., with a propensity to dig to the roots of issues without fear or favor. He has a knack for sharply posing the right questions so that whether you agree or disagree with him, you have learned something from him. (I know it is a cliché that you always learn something from an opponent in argument, but actually you do only rarely, so this, I think, is a tribute.)

At the outset I should mention the charm of Kendall's picture of the liberal; it is a muted hint of his *National Review* column on the liberal machine, depicting a smug, quasi-conspiratorial but in a very fashionable way, ruling "power elite" with velvet gloves and democratic rhetoric. It is a description that strikes me as being quite accurate and reflects Kendall's radical temper.

Kendall's posing of the critical problem for democracy of the expert vs. the layman and his textual analysis of Mill are excellent. The only seriously misleading picture is the brief implication that Rousseau was a kind of Thomas Jefferson figure—a small-town democrat—ignoring the very vivid totalitarian mystique of Rousseau's. Be that as it may, Kendall develops very neatly, from Mill and on the basis of Mill's successors, how the Left has developed the doctrine of rule by an elite of bureaucrat-intellectuals within the form of ultramajority rule. Kendall's position is essentially that of a prodemocrat who is attacking the usurpation of power by this bureaucratic elite, an elite that has attained this power by virtue of its claim to the privileges of expertise.

There are numerous keen insights given off along the way: the recognition, for example, that the intellectual elite gets away with it by amalgamating values to pure knowledge of existential facts, by forgetting about values and then slipping their own in; the Millian confusion between intellect and morals; the insight that proving that the masses are incompetent does *not* prove the experts competent, contrary to "liberal" doctrine; the distinction between expertises. On the other hand, I do not go along with all of the criticism of the "roster" technique; it seems to me perfectly legitimate to say that

the top few are significantly better than the rest, without worrying about the bottom few who are really terrible.

Still, when all these virtues have been recorded, we are left with the question: what is Kendall's solution to these problems; what is his alternative to the present system that both he and we consider evil? On the layman-expert issue, there is the hint of alternative solutions. There is an indicated possible preference for the "Rousseauian" route: if the problems of the modern world are so "complex" that bureaucratic rule is needed, then get rid of the complex modern world and get back to simpler rule. Is this a Röpkean call for back-to-handcrafts? Kendall doesn't say. But right here I would note that Kendall fails to make a crucial distinction: between the complexities *necessary* to an advanced modern economy and the complexities of *government* that arise from attempts to regulate and rule this economy. If he made this distinction, he could become a libertarian without calling for peasantry and crafts.

However, for Kendall this is an aside; his major solution seems to be to hammer home the distinction between fact and value, to convince everyone that experts are only experts on facts and scientific laws, while every citizen should choose final policy on the basis of which means will lead to his ends. The majority would then rule because while, admits Kendall, there is an intellectual elite, there is not a *moral* elite. As he cites Rousseau, the "general will" is right—provided it has all the facts.

Yet Kendall's attempted solution leaves all the critical questions unanswered and many of them even unasked. He does recognize that he has left unanswered the problem of what to do if the experts deliberately lie to the people in order to manipulate and control them. To this, he calls for experts to rate the experts so that the people will know what's going on, but he also recognizes that for this task *experts* themselves are needed, so who will supply this information?

There are other crucial issues that Kendall doesn't seem to recognize at all. *First*, he assumes that morally, everyone is equal and therefore the democratic census can decide. Why? Why is there not a "moral roster," even though a separate one from an

"intellectual roster"? In short, Kendall's own theory of democracy seems to be erroneous because it is a *moral* one, i.e., he thinks majority rule and census-democracy a good in itself, presumably because of some such moral equality. But this is not justified. As far as I am concerned, both the democratic mass and any sort of an aristocratic elite can be bad. There is very little *moral* argument for democracy. *Second*, Kendall does not explore why it is that it is precisely in *government* that the expert-layman problem becomes important. Why don't we worry about such problems on the free market? Nobody worries about people being ruined or ruled by their accountants. The answer is that on the market (a) people are free to choose whatever experts they please, and also free to try to run their affairs without experts; experts never rule them, they only sell their services for money; (b) on the free market, laymen have the test of concrete success to help them decide what experts to patronize. The architect that builds the fine, sturdy house is the one who gets the customers flocking to his door. The market provides continuous testing of experts. In government, however, the expert-laymen relation is turned from harmonious cooperation into caste warfare because the experts are permitted to loot the masses and give them orders. And, further, because of this disjunction between position and revenue, from testable merit, there is no reason why these governmental experts should be efficient, i.e., why they should be experts at all. Indeed, they will be efficient *not* at providing the governmental service, whatever it may be (post office, foreign intercourse, etc.), but at organizing robber gangs to bludgeon the populace into yielding them more money and power—i.e., they will be most efficient at coercion.

Third, there is a critical moral question here not mentioned by Kendall: experts for what? On the free market, every expert is voluntarily paid and performs a service voluntarily desired. But what of the expert criminal? Are we to exalt him just because he is an expert? In short, Kendall fails to make the crucial distinction of what the experts are used for—if they are experts in crime, then we don't want them around. Further, if some or all governmental activities

are really essentially criminal activities, then the *less* expertly they are conducted, the better off we all are.

I would like to add parenthetically another problem with Kendall's solution: that it takes high *intellectual* qualities, which the masses admittedly do not possess, to get them to realize the distinction between fact and value!

As for Kendall's broader position, he gives only one small clue; early in the work, he says that the current liberals are conducting a revolution against the "traditional philosophy and religion of the West." Now, here I must register a protest. I am tired of hearing this phrase. What is this "traditional philosophy and religion"? There is no single tradition of the West, and it's about time we realize this. The history of the "West" (West of *what* by the way?) is a history of the actions of millions of men and the thoughts of highly diverse thinkers; there is the tradition of the Inquisition and the tradition of the Enlightenment; of feudal warfare and of barbarian invasions; of religious wars to the knife; of the liberal (the true liberal) revolution of the seventeenth, eighteenth, and nineteenth centuries; of the divine right of kings; of mercantilism and of *laissez-faire*; etc., etc. Religiously, there have been Catholics, Protestants of all sects, Jews, and even atheists and Jacobins. All these are now tradition. All these now-traditions were themselves "revolutions" against the previous order when they were first introduced. So where do we go from here? Nowhere. For if this is Kendall's positive position, it is no position at all.

(2) Freedom of thought

In this section, on freedom of thought, Kendall does a very curious thing. He very neatly shows that the "clear and present danger" criterion is not at all libertarian, as the leftists imply, but an escape clause that permits the State to punish free expression; and he also shows that the current liberals, while professing (though not as often as he thinks) the "simon-pure doctrine" of absolute free speech, make all sorts of convenient exceptions—pornography, etc. (He might have added segregationists who "incite to riot.") But instead of attacking

current liberal doctrine, he leaves them to pursue a lengthy and savage attack on the simon-pure doctrine, i.e., on pure libertarianism. Of course, he believes that free speech should not be restricted for light and transient causes, but his attack is leveled with relish against personal liberty. In short, Kendall is not, in this part, attacking the liberal machine; he is attacking M.N. Rothbard, R.C. Cornuelle, etc. Naturally, I find it hard to refrain from curses.

In the first place, Kendall is clearly correct about Socrates's doctrine in the *Crito*. Socrates is clearly here a statist of the first rank, and any overeager libertarian who may have concluded that the *Crito* is a libertarian tract could hardly be in greater error.

Next, Kendall scoffs at the "simon-pure liberal" who, while talking about seeking Truth, never believes that man has found it. In short, he assumes that the libertarian case rests on the proposition that truth can never be found, so that we better keep all paths open so that at least error will be minimized. (This is actually the position of H.F. Phillips, which is why I called him Kendall's *alter ego*. Actually, while this is the position of modern leftists, positivists, and pragmatists, it is emphatically not my position or that of other simon-purists and it was not the position of Mill in *On Liberty*, as a careful reading will show. E.g., Mill: "If the [suppressed] opinion is right, [mankind] is deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error."² (Actually, while Truth can be and has been attained, it can also be added to and refined as time goes on, but this is not a necessary condition to holding that absolute freedom of opinion should prevail.) Consequently, since belief in Truth is by no means inconsistent with absolute freedom (in fact, in the deepest sense—in the Truth about the conditions necessary to the development of human nature—it is the only consistent system), it is not devastating to be told by Kendall that Socrates was not a positivist-pragmatist.

² John Stuart Mill, *On Liberty* (Longmans, Green, and Co., 1921), p. 10. Editor's note: Rothbard's original citation was to a different edition.

Whoever wrote the footnotes on page 85 was absolutely correct: Kendall's statement that Socrates's death was "inevitable," according to Plato, because of the chasm between his truth and the other Athenians, is belied by Kendall's other point about the closeness of the majority who delivered the verdict. (For some obscure reason, Kendall seems to think that it weakens the libertarian argument against the Assembly because it only had a small majority for the sentence.)

Kendall highly overdraws the case when he stresses Socrates as being essentially religious, and that Socrates arrived at truth by revelation and not discovery. It was precisely the difference between the Socratic Revolution and the pre-Socratic philosophers that Socrates asserted that man can find the truth about ethics and the other problems of philosophy by the use of his reason, in contrast to the utilitarian-pragmatist attitude of the Sophists. God is of course mentioned frequently, but not to the extent that Socrates can simply be called a religious prophet.

Now, here I want to shift from commenting on Plato and Kendall's interpretation, to Kendall's own position on the Socrates question, which is clearly implied on pages 91 ff. Namely, that the Athenians had three choices to make: (1) eradicate Socrates, which they did; (2) change their way of life, i.e., adopt Socrates's proposed "revolution;" or (3) "tolerate" him, either because no truth can be known, or because he is harmless. Notice how the dice are loaded, especially on alternative three. There is another ground, completely unmentioned by Kendall, for permitting revolutionaries to speak: the ground that freedom to express and hear opinions, whatever they are, is itself not only good for the nature of man, but the highest political end. Kendall says that the Athenians *cannot* adopt alternative two. (Actually, of course, alternatives two and three are by no means mutually exclusive; they could adopt both.) Why? Because they believe in their existing way of life. Therefore, they *cannot* accept the new. But why *cannot*? Despite Kendall's obvious horror of revolution—*any* revolution—revolutions have been successfully conducted in the past, ways of life have been

changed. If they have been accomplished from time to time, why not in Athens?

Kendall concludes that it was right for the Assembly to kill Socrates; not only right but their bounden duty. Socrates was subversive; he was influential; and therefore the thing to do was to stop him before he really became a threat. If they had refused to do so, they would have deserted their way of life: "they in effect endorse his revolution." Now, I submit that this is nonsense and dangerous nonsense at that. If the Athenians were so damn committed to their way of life, they had little to worry about; and if Socrates were really becoming a threat, then they no longer were particularly committed to their way of life. In short, if 90 percent of Athenians were orthodox, and 10 percent Socratic revolutionaries, then, if the 90 percent are deeply committed, they have nothing to worry about, since the "revolution" can only take place if most of their number are converted, and such conversion is hardly likely if they are so passionately committed. On the other hand, if they are worried—and Kendall intimates that they are so worried—because they are afraid that enough of their number will be converted until say, 55 percent of the Athenians will become Socratics (or even more) and the revolution effected, then at least 45 percent of the Athenians must not be passionately committed, must be in danger of seceding to the enemy. But if that is the case, Kendall is *not* defending the right and duty of the majority to suppress a minority; he is defending the right and duty of an actual minority to suppress a possible majority. If, in sum, there are at the present time 45 percent passionate orthodoxes, 45 percent waverers, and 10 percent Socratics, clearly the waverers won't want to suppress that which they feel they might someday convert to (and if they *do* persecute, they are clearly *not* being responsible—they are instead being irrational, on anybody's count). Therefore, Kendall, the professed champion of all-out majority rule, in effect, the champion of the *duty* as well as the right of pure majoritarian despotism over anyone whom it claims challenges its "way of life," is *really* advocating minority despotism over the majority. I personally am passionately opposed to *all* despotism, majority or minority, but Kendall is here

hoist with his own particular petard. It should, indeed, be made absolutely clear that Kendall is *not* simply saying what he is obviously trying to justify—the persecution of Communists and Nazis—he is also saying that *any* challenge to a way of life should also be treated in the same way. Logically, this would mean, for example, that a society devoted at some point of time to the use of powdered wigs, has the right—and the duty—to *put to death* anyone who presumes to advocate going without these wigs. For Kendall's way of life includes not only politics, but also philosophy, and all values. And if some poor Britisher should try to introduce cricket in this country, and he started earning a following—*however small*—Kendall should logically proclaim the bounden duty of the present passionately committed majority to *put to death* (literally) the unfortunate cricketer, who is now menacing their passionately held value.

See what is implied here in all of its grisly starkness. Kendall is *not only* saying that the champions of Truth have the right and duty to suppress Error, lest it threaten them. He is saying much more, though that would be bad enough. He is saying that any majority, so long as it *thinks* what it believes is true, has the right *and duty* to suppress any differences, even if these differences are *really* true. In other words, as long as a majority of men are sincere, they have the duty of annihilating any dissenters. *Even*, states Kendall expressly and fearlessly, if the dissenter were God himself (p. 94)!

There is no need for me to explain that this philosophy is the reverse of libertarian; it is not only that; it is *the* philosophy of savage tyranny, baldly and cogently expressed. It is the Enemy.

Setting aside the temptation to wax emotional over this, let us explore some more of Kendall's inconsistencies—even on his own terms. One problem he has is that if erroneous people also have the right and duty to suppress the Truth, how in the world will the Truth become known? As Mill said, there is no automatic guarantee that Truth will triumph; truth must be discovered, it must be argued, it must be discussed, it must win men's minds. How will it do so if it is killed at birth? If Socrates represents truth (and let us assume so for our purposes) how will Socraticism ever develop? And how could

Christianity ever have developed? Kendall forgets that *every* major social change came about, and necessarily so, through an ideological revolution. Those things that he now reveres as "tradition" were once themselves revolutionary. Why doesn't Kendall discuss the Christ question? If he did, he would have to conclude that the Romans should have killed Christ and persecuted the Christians (if Christianity was not subversive of the old order and way of life, what was it?) and that the Romans only erred in not extirpating Christianity thoroughly and ruthlessly enough. Is he prepared to say this? Is he prepared to say that if the Romans had had their Willmoore Kendalls to advise them, Christianity would not now exist, and Willmoore Kendall would have been, and should have been, a Roman pagan and not a Christian?

Not only would a Kendallian society be a savage despotism, with no individual freedom worth mentioning; not only would Truth be suppressed as much as error; but also it would be frozen into a static, completely unchanging mold. Kendall, in short, is the philosopher of the lynch mob. His hand is there to smash the first machines that opened the Industrial Revolution; he is there at the Inquisition; he is there to liquidate all advocates of any change. But see the inconsistency: since every new social change of importance is subversive of the old order and disturbs people's peace of mind for a while, Kendall must keep going back and back, since every society originated in a social revolution against some preceding society. In short, Kendall's ethical doctrine must lead straight back to where? To the era of the caveman. Only the most primitive tribes exemplify the Kendallian ideal and they alone; for they remain changeless, ruthlessly suppressive of any dissent, and consequently eternally static. And if all societies in the past were guided by a Willmoore Kendall, that is the level mankind would have remained at—barely above ape level. The first inventor of fire, the first inventor of the wheel would have been torn to pieces, and all succeeding dissenters and disturbers of the peace as well.

If Kendall has set forth the philosophy of tyranny cogently, we see that philosophy leads to the end of civilization and most of the human race—in short, the death principle. That is why I say that the

Kendallian doctrine is the Enemy of all that you and I hold dear, and all that is best for the nature of man.

Kendall, of course, does not think of himself in this light, but rather of a sensible savior of democracy from the subversive encroachments of Communists and Nazis. But actually, his principles when logically analyzed, lead straight to what I have described. It is all very well for Kendall to picture himself as adviser to Germany in 1928, as he saves the Weimar Republic by killing Hitler; but he neglects to picture himself adviser in Germany in 1938, a time when his beloved community was passionately pro-Hitler. At that time, he would have had to counsel the duty of Germany to murder all *anti-Nazis*, who then would have been the subversive revolutionaries against the values of the community. And so we return to the Kendall regression—the eternal exterminating: the anti-Nazis in 1938, the Nazis in 1928, all Republicans in 1922, and so on back to the Visigoths.

(Kendall asks: shall we save Socrates or the Weimar Republic? There is no question how the libertarian will answer—to hell with the Weimar Republic!)

Kendall brilliantly sees that we have been engaged in a vast swindle: that our society has *taught* freedom of speech to us, but has, in fact, under such phony guises as "clear and present danger," persecuted opinions which the majority have found uncongenial. He would bring coherence to the situation by eliminating the contradiction. How? By ceasing to teach the merit of free speech. In short, we profess ideals of liberty, but we find that we're persecutors, so let's not confuse matters; let's stand up foursquare for persecution.

Kendall proceeds to add to his other inconsistencies and confusions two further ones. In fact, he commits the very sin he had neatly exposed long ago in Part I: the confusion of fact and value. He makes this confusion in two ways. First, he states that it is an empirical fact that people will simply *not* tolerate opinions radically different from theirs, and since they will not, it is wicked to teach simon-pure freedom. But even granted this "fact" (and I am very dubious—it seems to me that the persecution of Communists in the postwar years has been caused almost wholly by people *believing* that the Reds are a clear

and present danger, and that, if Kendall convinces them otherwise, they would disappoint him by leaving the Commies alone as they did before World War II when Communist rhetoric was far *more* radical than today), it is illegitimate for Kendall to infer from this that this condition is *good*. People may be a bunch of murderers; that is no reason to say therefore murder is *good*. Second, he states—without any proof—that the simon-pure doctrine is unworkable, unhealthy, insane, etc., because no “society” could work if it practiced it. Every society has a “way of life,” “values,” etc. Here, we have a further confusion. What is this “society”? Like most other political theorists, Kendall offers no definitions. “Society” is not an independently existent entity; it is simply a shorthand label for a certain pattern of interpersonal relations. Now the point is that to have an existent society, no particular set of values, customs, ways of life, etc., are necessary. A society *can* exist which has an absolute principle: simon-pure liberty. Kendall waves this possibility away, but if such a society did exist, then Kendall or anyone else who attacked free speech would then be attacking a fundamental tenet of that society, and therefore would be doing evil on Kendall’s own grounds. (And note: if our society, as Kendall concedes, *teaches* the simon-pure doctrine, may we not say that society holds this as one of its values, and therefore that Kendall is himself an evil subverter by coming around to attack it?) For “society” can exist among Christians, atheists, pants-pressers, or libertines. It can exist on old Athenian principles or Socratic principles. There are only two relevant ideal types of social patterns: the pattern of voluntary contractual interrelation, and that of hegemonic, coercive interaction. A can interact with B, in other words, in either of two ways: by free gift or exchange—voluntarily—or by coercion. And these are *all* the relevant alternatives. Now, if a society is voluntarist and contractual, this freedom will develop the personality of each and permit that great growth of living standards that makes modern civilization possible, that raises us up from the caveman. If the society is markedly coercive, not only will it stunt each individual’s development, it will plunge humankind back to primitive living standards and not permit any maintenance of civilization.

We see that in the profoundest sense, then, liberty is necessary to a viable social order. In that case, Willmoore Kendall’s suggested rule by the bayonet is disintegrative of “society” rather than its salvation. Simon-pure freedom, rather than destroy society, would usher in the best possible type of society. Further, it is not necessary to social relations for A and B to have the same values, as Kendall thinks; they can have as many different views as they want, and trade between them will still be profitable to both.

Kendall’s final analogy between public discussion and the “scientific discipline” of the “academic community” is obvious nonsense. There is no pre-narrowed field, and, above all, the “academic community” is a voluntary club, making its own rules, while the general “community” rules by the bayonet. Further, since when is the “academic” orthodoxy the custodian of truth? We would be in a sorry way indeed if, guild-like, our academic bureaucracy could use force to suppress dissentient economists or political scientists—a sorry state for Truth, and, incidentally, a sorry state for Willmoore Kendall who earlier has inveighed against the “academic bureaucracy.” (One wonders: if you call the academicians a “community,” do they become good and revered, and if you call them a “bureaucracy,” do they become fair targets, and, by the way, what is the difference?) I would also add that Kendall will have a hard time enforcing “good manners” (which don’t always hold in the academic community either) on the public at large, which is not notorious for it; and, by the way, how would Kendall and the few other mannered elite go about imposing these manners by bayonet on the often unmannered masses? Democratically? The best answer on manners comes again from Mill, who points out that it is the majority who has the power, who should be exhorted to good manners, and not the few radical dissidents.

How now do we sum up the political philosophy of Willmoore Kendall? I have been treating it in this overlong memo in some detail because of the cogency of his presentation, the keenness with which he poses basic questions, and the fact of being a seeming star on the right-wing firmament, giving lectures at Buck Hill Falls. I sum up by

repeating, advisedly, that Kendall is the philosopher *extraordinaire* of the lynch mob. As John Stuart Mill put it so well: "The propounder of a new truth, according to this doctrine, should stand, as stood, in the legislation of the Locrians, the proposer of a new law, with a halter round his neck, to be instantly tightened if the public assembly did not, on hearing his reasons, then and there adopt his proposition."³ Read that great speech in Ayn Rand's *Fountainhead* as Roark explains that the great creators, the great individualists, were always met with hatred and persecution by their fellow men, who in the end benefited from them. Kendall is the eternal enemy of the Roarks, the enemy of liberty—a brilliant enemy, a cogent enemy, an honest enemy, a swell guy with an enormous capacity for Scotch, but an enemy nevertheless.

We should now face the question: how does Kendall differ, say, from Russell Kirk and the "new conservatives"? Why is he anti-Kirk, as he is reputed to be, even though both of them unite in being opposed to free speech and Mill's *On Liberty*? Answer: there is great difference between them. Kirk is the philosopher of old pre-Industrial Revolution, High Anglican England, the land of the squire, the Church, the happy peasant, and the aristocratic bureaucratic caste. He is essentially and basically antidemocratic. Kendall, on the contrary, is, as I have said, the patron of the lynch mob—he is an *ur*-democrat, a Jacobin impatient of any restraints on his beloved community. He hates bureaucracy, but not as we do, because it is tyrannical; he hates it because it has usurped control from the popular masses. He is the sort of person whom the [Clinton] Rossiter-[Peter] Viereck "new conservatives" are combating, for they are trying to defend the existent rule of the leftist bureaucracy against any populist mass upheaval. So they—the leftists—have shifted from mob whippers to soothing conservatives.

And here we come to the cosmic joke, the final contradiction that is Willmoore Kendall. Kendall's chief *bête noire* is revolution, and yet he fails to see that the revolution *was*. The leftists are in the saddle, have been for over two decades. *Therefore*, it is Kendall who

³ John Stuart Mill, *On Liberty* (Longmans, Green, and Company, 1921), p. 16. Editor's note: The Locrians were a tribe in ancient Greece.

is now the revolutionary, the disturber of the peace, the guy outside the pale. The community, Kendall's saint, likes Ike, follows Walter Lippmann, etc. On Kendall's *own* premises, Sherman Adams should put Kendall to death this instant. So, Kendall's philosophy leads not only to death and destruction in general, but to his own death and destruction in great particular!

How is it that Kendall, an astute political analyst and chronicler of the liberal machine, can have made such a whopping mistake? How can he commit the Reece Committee fallacy that his views are in the majority *now* when this is palpably incorrect?⁴ I submit that Kendall *can* work his way out of this contradiction in one way. This way is connected with a question that has been cropping up in my mind for a long time: in what way is Kendall a "right-winger"? If he is a Jacobin, a lyncher, a Keynesian, etc., in what way is he a "rightist"? The answer seems to be: in one way only—he wants to kill Communists. Outside of this, I fail to see any "rightist" view. And perhaps he has convinced himself, as other rightists have done, that the "community" *wants* to kill Communists, here and abroad, and they are being prevented from doing so by the liberal machine. I deny that the majority wants to kill Communists, but at least it is a plausible hypothesis. But I submit that if this is Kendall's only essential difference from, say, Arthur Schlesinger, Jr., I will put my nickel on Schlesinger, for, on net balance, Kendall is less libertarian than he. (It is possible, of course, that there are *some* libertarian views that Kendall holds, but if so, no one has been able to point them out to me. Of course, he *is* a Christian, which may increase his "right-wing" credentials, but not his libertarian ones.)

This leads me, at long last, to the question of what has happened to the Right in the last decade. It has grown but it has also decayed in quality by becoming confused, and confusing itself with wicked

⁴ Editor's note: B. Carroll Reece (Rep. Tennessee) chaired the Congressional Committee to Investigate Tax-Exempt Foundations. The 1954 report of this committee claimed that many foundations were biased toward a one-world state. The "fallacy" is the view that most people shared the committee's disapproval of the major foundations.

doctrine. A dramatic contrast can be shown, for example, in taking a very early issue of *Plain Talk*—I think late 1946—and noting a moving article by Edna Lonigan, “I Taught Economics.” There, at the very beginning of this postwar flowering of the “radical Right,” Lonigan wrote of her experiences as a wartime college teacher. The climax came when she converted some pro-Commies in the class, after arguing with them all term for individual liberty, by giving them Mill’s *On Liberty*. In those days, the Right was small, but we were libertarian. We all fought for individual liberty, and battled majority as well as elitist tyranny of all types. And now, when we find Mill’s *On Liberty* discussed today—ostensibly by “rightists” also, what do we find? Kirk and Kendall, each from his own point of view blatantly attacking liberty—and who is there to challenge them on the Right? This is the tragedy of this decade.

How did this change happen to the “Right”? How did they change from pro-liberty to pro-tyranny without noting the difference? I submit because of a change in spirit from being a conscious minority to being almost, at least, in the majority in the country. And this came about from a switch in emphasis in doctrine. It came about from increasing stress on the Right on the twin issues of Communism and Christianity. Since the bulk of the populace has become converted to anti-Communism in this decade, the rightist can give up the burdens of being a lonely minority, by forgetting about libertarianism and stressing only Red-baiting. The same thing happens when the completely irrelevant issue of Christianity crops up; by arrogating to itself the Christian, or more, the theist mantle, the Right can again join a majority. So this is what has happened. The journalists write about the iniquities of Moscow, and the “philosophers” talk about the Christian tradition.

It seems to me that to advance libertarianism, therefore, we should cut ourselves off completely, and even attack the Christian Red-baiting Right, which has become the evil exponent of tyranny that we note today. Red baiting and religion mongering should be exposed for the red herrings that they are, and shelved to concentrate on the prime issue: liberty vs. tyranny.

4. Review of Charles L. Black, Jr., *The People and the Court: Judicial Review in a Democracy*

March 24, 1961

To: Mr. Kenneth S. Templeton
William Volker Fund
Burlingame, California

Dear Ken:

Charles L. Black, Jr., *The People and the Court, Judicial Review in a Democracy* (Macmillan, 1960) falls into the category of book that is so biased in a left-wing direction that it is interesting for hitting on some of the crucial problems in its area, problems which most works miss. Black’s jurisprudential views are biased in the left-wing direction on almost every issue: he favors the broadest of broad construction of the powers of government, *except* on such issues as freedom of speech, warrants for arrest, etc., of the Bill of Rights, where he joins the current “left wing” in favoring strict prohibitions on government.

Professor Black tries to avoid the obvious charges of inconsistency against his position by a clever sophistry: that, in both cases, he *really* favors broad construction—for he favors broad construction of government *powers* in the Constitution (e.g., the Commerce Clause, the “necessary and proper” clause, etc.), and also favors broad construction of the specific limitations on government (e.g., the First Amendment).

The complete sophistry of this supposed broad constructionism, however, is fully exposed when we find that Black emphatically *does not* apply such “broad” limits on government to those parts of the Bill of Rights that deal with *property* rights, e.g., “due process.” Here, Black calls the late-nineteenth-century *laissez-faire* interpretation of due process not broad but “wild” and “fantastic.”

Black’s position is all the more self-contradictory when he totally ignores the fact that the broad, absolutist version of the First Amendment, as Professor Leonard W. Levy has shown in his seminal