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# **Will the West Survive Until 2084?**

On the Problems and Perspectives of the  
Family, Private Property and the State

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## The West and the East – A War of Civilizations

What do multiculturalism and global warming have in common? Our essays aim to provide an answer to this seemingly pointless question.

High taxes that are steadily rising, promotion of social parasitism, and government intervention in family affairs, are all links in the same chain. Another link is multiculturalism blown up by the media, and understood here as the complete absence of absolute values, which makes it easy (for lack of clear criteria) for the bureaucrat to redistribute the taxpayer's resources. Global warming, this worldwide bottomless pit for public resources, which was invented by "scientific" bureaucrats and ignores the scientific approach, is another link in the same chain.

The main difference between this work and the previous studies written on this topic is that we look at the various processes of modern life as manifestations of integral trend that threatens the very existence of a free society. Nevertheless, we believe, unlike most predecessors, that this trend is actually reversible.

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*"... If you look at the world as whole you cannot doubt that it grown progressively more cultivated and populated. Every territory is now accessible, every territory explored, every territory opened to commerce. The most delightful farmsteads have obliterated areas formerly waste, plough-land has subdued the woods, domestic cattle have put to flight the wild beast, barren stands have become fertile, rocks are reduced to soil, swamps are drained, the number of cities today exceeds the number of isolated huts in former times, islands no longer inspire fear nor crags terror: everywhere people, everywhere organized communities, everywhere human life..."*

It is hard to believe that this quote is taken from the works of an early Christian philosopher Tertullian (3rd century AD) <sup>1</sup> ... Despite the popular erroneous belief, scientific and technical progress has always accompanied mankind. Multi-storey

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<sup>1</sup> Cited from: R. A. Nisbet, History of the Idea of Progress, Transaction Publishers; 2-nd edition, 1994, p. 52

buildings, irrigation channels, the compass, round the world trips, gunpowder, and the printing press – all these form an impressive and far from complete list of epochal scientific and technological achievements that preceded the Industrial Revolution. However, it is an undeniable fact that, despite this giant leap forward, broad masses of the population in the 16th century lived in about the same manner as in the days of Tertullian (and even like those a couple of thousand years before him). Infant mortality was above 50%, life expectancy was 40 years (although here and there centenarians always existed), periodic famine and a chronic lack of confidence in what the next day would bring, were rife. Labor productivity increased, but it was invariably consumed and diminished by population growth and invading neighbors who destroyed and looted rather than build and plow. The situation began to change in the 16th-17th centuries which gradually led to the Industrial Revolution, reduced infant mortality to 0.1% and increased life expectancy to 80 years by the end of the twentieth century. This improvement resulted from the idea of freedom and protection of individual rights – i.e. you cannot take away from a person that which belongs to him, even if you do have bigger fists (or the right ancestry, or progressive ideology). The idea was known to humanity from time immemorial – from the Book of books. However, it is precisely the spread of this idea in the Western world that caused the Revolution. And China, which taught the West to manufacture paper, gunpowder and rockets, as well as a system of vocational training for officials, but which refused to accept this idea of freedom, remained on the outskirts of history (at least for a few centuries).

It is widely accepted that the history of civilization is the history of a clash between the East and the West (the concepts of "East" and "West" are purely a matter of convention: "East" means slavery, man for the sake of the system; "West" means freedom, the system for the sake of the man). But here's the paradox: precisely when the West finally beat the East from a technical-economic point of view, and automatic weapons and aviation eliminated nomadic bandits, the East began to penetrate into the West by means of democratic institutions. The French philosopher and writer Frederic Bastiat,<sup>2</sup> the British economist Herbert Spencer and many others wrote about this impending danger more than a hundred years ago. Really, absolute freedom preached by the "new liberals" is nothing else than a peculiar and novel form of dictatorship. For example, the freedom of sex and homosexuality (the government promotes lewdness by

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<sup>2</sup> Frédéric Bastiat "Lawful Plunder." <http://www.econlib.org/library/Bastiat/basLaw1.html#L.30>  
H. Spencer. "The Man versus the State." <http://www.econlib.org/library/LFBooks/Spencer/spnMvS.html>

paying benefits and through its tax policy), is combined with a rigid pursuit of normal families (by disproportionately exaggerating the subject of domestic violence and encouraging whistle blowing). In the past 50 years, the West successfully pushed the East aside geopolitically – e.g, piracy has come back, although it was completely eradicated in the early 19<sup>th</sup> century. But one way or another, the world continued to progress. Apparently, September 11, 2001 should be seen, as a turning point.

The world was transformed after 9/11. For example, it is impossible today to tell what long-term impact the plane-boarding routine (which has come to include a humiliating search – including taking off certain pieces of clothing), will have on our generation. (Note parenthetically that the "final solution" began with humiliating, but tolerable requirements.) Now the question for the West is: to be or not to be?

Some readers of the last sentence will certainly think it is too dramatic. They will remember with a smile Oswald Spengler's *The Decline of the West* published in 1918 as well as essays on the imminent end of capitalism that some of them (of Soviet origin) wrote themselves for their "scientific communism" course. However, may we remind them that only a quarter of a century after Spengler's book was published, European civilization was saved only due to intervention from across the ocean? In general, the destruction of what were considered to be unshakable civilizations by nations immeasurably inferior to these civilizations in their industry, economy, and military, is not new for history. That is what Gustave Le Bon, who is considered to be the father of social psychology, wrote over a hundred years ago:

*“When a people reaches that degree of civilisation and power at which it is assured that it is no longer exposed to the attacks of its neighbours, it begins to enjoy the benefits of peace and material well-being procured by wealth. At this juncture the military virtues decline, the excess of civilisation creates new needs, and egoism increases. Having no ideal beyond the hasty enjoyment of rapidly acquired advantages, the citizens abandon to the State the care of public affairs, and soon lose all the qualities that had made their greatness. Then barbarian or semi-barbarian neighbours, whose needs are few, but who are strongly attached to an ideal, invade the too civilised people, and proceed to form a new civilisation.”*<sup>3</sup>

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<sup>3</sup> G. Le Bon "Psychology of the peoples" G.E.Stechert & Co 1912 NY (Les lois psychologiques de l'evolution des peuples 1895) pp. 109-110.

And what does all this have to do with us, Jews? What is the role of this tiny nation in determining the fate of the world? Apparently, it is a considerable one. Israeli activist and publicist Moshe Feiglin correctly observed that:

*“For some reason, the mini-war between Israel and Palestinians rivets international attention. The lions' share of the Security Council deliberations revolves around the narrow sliver of land in the eastern basin of the Mediterranean Sea. The international media keep offices and entire teams in Israel on permanent basis. The US State Department, Congress and Government incessantly interfere with events here. The European Union, Russia and of course, the Moslem states all demand a piece of action, as well.*

*The number of casualties in the wars between Israel and the Arabs is not even a fraction of the losses that the human race has suffered in various wars and conflicts since Israel was established. As strange as it may seem, Israel is one of the quietest places on the globe today.*

*So why is the entire world focused on tiny Israel?*

*A world war is being fought here.”<sup>4</sup>*

The war fought here is the war between the East and the West, between freedom and slavery, between life and death. We surely do not believe that the economic recipes presented in the following articles, which are quite simple and not novel, are as themselves a remedy for all ills. However, when speaking dryly and pragmatically, we should remember John Mill's words:

*“By some minds, government is conceived as strictly a practical art, giving rise to no questions but those of means and an end. ... To find the best form of government; to persuade others that it is the best; and, having done so, to stir them up to insist on having it, is the order of ideas in the minds of those who adopt this view of political philosophy. They look upon a constitution in the same light (difference of scale being allowed for) as they would upon a steam plow, or a threshing machine.*

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<sup>4</sup> Feiglin M. *World War* (2000) in: M. Feiglin, "The War of Dreams", Jewish Leadership Library, Jerusalem, 2006, pp. 405-406.

*To these stand opposed another kind of political reasoners, who are so far from assimilating a form of government to a machine, that they regard it as a sort of spontaneous product, and the science of government as a branch (so to speak) of natural history. According to them, forms of government are not a matter of choice. We must take them, in the main, as we find them. ...*

*It is difficult to decide which of these doctrines would be the most absurd ... ”<sup>5</sup>*

In 1969, Andrei Amalric wrote a prophetic essay entitled *Will the Soviet Union Survive Until 1984?* in which he predicted the collapse of the Soviet totalitarian system. We, on the other hand, despite being involved in analyzing the weaknesses of the free society and the dangers that threaten it, are confident in its viability. Our strong belief in the reversibility of the threatening totalitarian tendencies rests ultimately on our “firm reliance on the protection of divine Providence,” much like the Founding Fathers of the United States. We believe that the Master of the world will not allow the destruction of what has been created on the basis of His word (unlike, for example, the Roman Empire, *Pax Romano*). But economic incentives certainly influence public institutions, and we follow the classical advice of our Sages: “Do what you should do, and He will do as He sees fit to do!”

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<sup>5</sup> Mill, John Stuart "Considerations on Representative Government" NY : Harper and Brothers Publishers, 1862 (Gutenberg EBook Project) pp. 3-4.

## **Social or Democratic?**

**On the origin and progress of legal democracy, as well as some socio-economic incentives that push modern democracies towards oligarchic tyranny.**

### ***1. Some History***

Once King Philip II of Spain attempted to persuade the Dutch that they must pay him taxes—with no provisos. He, on his part, as "the anointed of God" could not have any obligations to anyone or anything, for he was assigned the Supreme Mission: The defense of the Catholic faith — even at the expense of the lives of the unenlightened, lost in the darkness of superstition and puritanical morality subjects. Cannon blasts of the Dutch ships, led by William of Orange, distinctly brought to the attention of the monarch that his subjects highly doubt this right.

After their victory, the Dutch did not leave one Catholic monastery in the country. The English King Charles I Stuart decided to replenish the treasury without the consent of the British citizens. In the name of ideals of the enlightened monarchy, he put the wealthy misers in prison "for tax crimes" and took away their property. When the shortsighted citizens rebelled, he decided to defend the law by using brutal force (the law in his interpretation as the right to realize the Supreme Mission). His army was defeated; he was caught and beheaded.

After this, the Absolutist-Catholic opposition was never presented in the British Parliament.

King George III of England put up with these restrictions, but thought that at least in the colonies he should not behave as a common night guard hired by the plebian colonists. The Commoners crushed the hopes of George III and his British brethren in the most flagrant manner. The British responded to the peaceful demands of the colonists to give them representation in the Parliament of their metropolis with a punitive expedition in the. In addition, British authorities began to incite the "brutal savage Indians" against the colonists rather than to protect them from these "noble savages". Then the Americans, using the meticulous phrases of the Declaration of

Independence announced to the world of their "dismissal" of this power.<sup>1</sup> King George received a clear message and was forced to admit that the arguments of Washington's army bear weight.

Americans loyal to the king fled to Canada and were never presented to the U.S. Congress.

Thus the foundation was laid of the first legal democracies.<sup>2</sup>

## ***2. Legal Democracy as a Natural Right***

The word "democracy" has many definitions: at least 550 are known today.<sup>3</sup> The most prevalent features mentioned are universal and equal suffrage and the separation of the legislative, executive and judicial powers. But the formal requirements cannot capture the essence. Thus, the formal requirements of a democracy are not satisfied by the obviously democratic England in the second half of the 19<sup>th</sup> century, but are satisfied by modern Russia or Nigeria. And when we talk about democracy, there is the image of a society with an indefinable feeling of freedom, lack of hunger and epidemics, high (and rising) life expectancy, as well as the population's sense of confidence in the fact that tomorrow they are not going to be robbed or imprisoned (if they have not committed a crime).

Democracy as is known today is only the practical implementation of the notion of Rule of Law founded on the concept of Natural Law. In theory of law, two approaches are emphasized: positive Law and natural Law. According to the concept of positive law, ("the Social Contract" in the terminology of J.J. Rousseau), the law is valid (constitutional) and necessitates obedience by the very fact that it is the law. In line with this concept, any law enacted in accordance with a predetermined procedure is constitutional. Precisely this understanding is the foundation of the modern left-liberal approach: any decision made by the "enlightened" legislator or judge is constitutional. This approach (with the only difference being that they spoke of monarchs, dictators or totalitarian parties instead of legislators or judges) was being developed by the enemies

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<sup>1</sup> Declaration of Independence: <http://www.archives.gov/national-archives-experience/charters/declaration.html>

<sup>2</sup> Ancient democracies were not legal. E.g., "ostracism" in Athens – expelling person and confiscating his property just by voting results – is just one typical example of non-legality of these societies.

<sup>3</sup> A. Schedler. What is Democratic Consolidation? / J. Democracy **9:2** (1998), 91-107.



of freedom from Plato to modern apologists of totalitarianism of all types. If we understand democracy in a narrow procedural sense of the word, then a law that permits two people to devour a third via the results of voting would be completely constitutional.

Unlike the previous approach, the concept of natural law (or Rule of Law) suggests that people (a society or legislator) can only make laws in accordance with certain rules. These rules are given from above (or are part of human nature and society) and cannot be violated. While we do not know these rules exactly, we must look for the best approximations based on historic experience and common sense (and also the Bible for those who believe in it – see below). The concept of natural law only recognizes a law that does not encroach on the inalienable rights of the individual – even in the name of the public’s interest (as understood by the legislator). And if by chance a law is adopted that violates these rights, then, despite the formal procedure, it would be unconstitutional. Acts committed on the basis of this law are nonetheless criminal, and the performer is fully accountable (see precedent of the Nuremberg Tribunal). Deportation of citizens to solve political problems (for example, the deportation of Jews from Gush Katif in 2005) is an example of such an unconstitutional law.

Rule of Law means that the state and the governor do not have rights but only duties and the necessary authority to fulfill these duties. Such a state is obliged to apply the pre-published laws based on absolute morality, including the precedence of basic individual rights and freedoms. Authority provides the necessary guarantees of such rights and the implementation of the above mentioned norms in practice. An individual is permitted everything that is not prohibited. The state is prohibited everything that is not permitted.

We note that the concepts of natural and positive law are not connected, strictly speaking, with the level of religiosity or secularism of their adherents. On the one hand, adherents of both approaches were among the supporters of natural law: founders of the rule of law in the 17<sup>th</sup>-18<sup>th</sup> centuries were deeply religious people;<sup>4</sup> later in 19<sup>th</sup>-20<sup>th</sup> centuries proponents of this concept were mostly atheists.<sup>5</sup> On the other hand, the concept that claims that a decision made by some religious institution was God-given is a concept of positive law.

It should be noted that the idea that freedoms of an individual limits the power of the government was first formulated in the Bible. The Holy Scripture has many stories about what occurs when kings exceed their authority. For example, Rehavam, King

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<sup>4</sup> Major philosophical and government-legal fundamental principles were developed by the philosopher John Locke (John Locke 1632-1704) and the attorney William Blackstone (William Blackstone 1723-1780).

<sup>5</sup> J. Mill, Herbert Spencer, L. von Mises, and et al.

Solomon's heir, wanted to continue collecting the taxes that he collected during the Temple's construction, even after its construction. He received such a resolute rebuff from ten (of twelve) tribes that he did not even try to impose his will. Many years later, king of the northern (Israeli) kingdom Ahab coveted his subject's land but did not dare encroach on it. And when he finally did dare, he was punished by forced termination of his dynasty, despite his remorse.

### ***3. Success of Taxpayer Democracies***

Common sense suggests (and comparative studies confirm) that the material achievements of democracies are a result of their success in attaining protection of liberty and property of the individual.<sup>6</sup> Founders of new governments might not have been aware of this idea and it was definitely not what motivated them. They were deeply religious people and they drew confidence from the Scripture in the human right to life, liberty and property.<sup>7</sup> The very idea of individual freedom and individual responsibility was rooted in their faith in the Will of the Creator to give His creatures the freedom of choice, without which there cannot be reward for merit or punishment for sin.

The Founding Fathers of America believed that a state is necessary for providing national defense, security and a justice. These three requirements corresponded to basic human rights to life, liberty and property. That is, the state protected its citizens from violence and from deception. No more and no less.

The Founding Fathers' demands on the quality of the solutions to these problems were very high. They formulated a basic principle: limit the power of the state through

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<sup>6</sup> See for example M. Olson, *Power and Prosperity*, NY: Basic Books, 2000; J. Gwartney, R. Holcombe, R. Lawson, "The Scope of Government and the Wealth of the Nations" // *Cato Journal*, **18:2** (1998) 163-190; V. Mau, K. Yanowski, S. Zhavoronkov, D. Maslov, "The institutional preconditions of modern economic growth", Moscow : IET Working Papers number 106R, 2007.

<sup>7</sup> A legitimate question can be asked here: how these highly religious people with their high evaluation of human freedom and dignity could do with the slavery? The answer is that the slavery was neither invented nor introduced to the US by the Founding Fathers, being already a well-established institution. The Founding Fathers feared, that immediate and unprepared slavery abolition would create more problems, than would solve. The fact that the problem of integration of Afro-Americans exists even now – 150 years after the slavery abolition and 50 years after the adoption of reverse discrimination policies – proves that the fears of the Founding Fathers were not unfounded. By the way, the famous abolisher Abraham Lincoln had a rather specific view on the above integration, having said, e.g. : "*A separation of the races is the only perfect preventive of amalgamation but as an immediate separation is impossible the next best thing is to keep them apart where they are not already together.*" Speech on the Dred Scott Decision, 1857.  
<http://TeachingAmericanHistory.org/library/index.asp?document=52>

political and informational competition. A system based on individual responsibility and on the limitation of the government proved to be exceedingly effective. This system specifically turned out to be, according to Winston Churchill's caustic remark, "democracy is the worst form of government except all those other forms that have been tried from time to time."<sup>8</sup>

Legal democracies have long remained (in the U.S. until 1964) taxpayer democracies. The right of vote was directly related to bearing the burden of government expenditure. In the era of classical liberalism the connection between paying taxes and the right to be represented in parliament were self-evident. For example, Adam Smith proposed to resolve the conflict with the colonies by providing them a quota—representation in the English Parliament on the basis of their participation in general taxes.<sup>9</sup> An attempt to break this association led to the War of Independence. This connection also became the main reason for the reform of electoral rights in the UK (1832 and 1867).

Freedom of speech in the legal democracies was provided by competitive entrepreneurs in the media market. Those who had money could publish their own newspaper. Those who had no money but were talented journalists could choose a newspaper that corresponded to their views and offer it their services.

The natural difference in the interests of different groups of free men and their civic activities provided intense party-political competitions and alternations of power as a result of elections. Alternation of power and real possibilities to alter politics through one's influence via the voting process created a new political culture and new means of settling disputes and conflicts—without violence, without bloodshed and without huge material losses. Self-restraint arising from moral standards "ends your freedom where my nose begins".<sup>10</sup>

When the voter understood the connection between any government spending and the taxes he paid out of his own pocket, he was held back from rampant, escalated spending. For a deputy, presenting the electorate with costly draft bills rejected due to his efforts was the best pre-election tactic. It is not surprising that in a taxpayer

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<sup>8</sup>"Many forms of Government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time." W.Churchill, Speech in the House of Commons. The Official Report, House of Commons (5th Series), 11 November 1947, vol. 444, cc. 206–07.

<sup>9</sup> But if the number of American representatives were to be in proportion to the produce of American taxation, the number of people to be managed would increase exactly in proportion to the means of managing them and the means of managing to the number of people to be managed". Adam Smith "An Inquiry into the Causes of the Wealth of Nations" p. 484 MetaLibri, 2007

<sup>10</sup> "Your freedom ends where my nose begins" is a famous American proverb first coined probably back in the 17<sup>th</sup> century.

democracy stability of prices (with the exception of periods of war) and a balanced budget were the norm.<sup>11</sup> Religious morality and highly respected principles of the Power of Law prevented the overwhelming majority from envious redistribution – in their favor – of the wealthy minority's property. In this way incentives to work and to invest were preserved and reinforced which caused an increase in prosperity unprecedented in human history. Only in countries with legal democracies in the past few centuries has economic growth become stable and the standard of living steadily growing. Prior to this, this kind of advancement occurred only as a temporary phenomenon and was quickly "eaten up" by growth of the population, wars with envious neighbors, etc. As a result, almost all countries and nations in the 16<sup>th</sup> century lived at about the same level of consumption as those who lived thousands of years ago.<sup>12</sup>

It is difficult to assume that the authors of the Declaration of Independence foresaw that the embodiment of their ideals would lead heart transplant operations, satellite communications and landing on the moon. But all of this is a direct consequence of the fact that the state ensured all its citizens the protection of life, liberty and property and did not interfere in everything else.

#### ***4. Social-Liberalism against the law and morality.***

*Everything is in the name of the people;*

*everything is for the good of the people.*

*Soviet-era slogan*

Rule of Law protected people's natural, inalienable rights of life, liberty and property from felonious attempts of other people and the state to take away these rights. Tendencies in the old legal democracies to replace this God-given morality and natural law with "improved" human laws (of course, only for the benefit of society and every individual) led to the manipulation of the law.

European liberals of the 19<sup>th</sup> century were enraptured by the idea of "separation of church from state and school from church." Apparently, in the heat of battle with the

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<sup>11</sup> The current situation is quite different – see the following sections. When a deputy presents a list of new "trophies" wrung out from the government budget, he demonstrates "faithful service" and is the key to his reelection. Additionally, budget deficits, growing national debt and chronic inflation (we're lucky if they're not too high) are the norm today.

<sup>12</sup> A. Maddison, "The World Economy: Historical Statistics", Paris OECD 2003.  
<http://www.theworldeconomy.org/statistics.htm>

church, liberals turned to the Creator. In the U.S., where religion was not originally connected with the state and religious leaders emphasized how distant they were from politics, the situation was reversed. A. de Tocqueville already observed in the beginning of the 19<sup>th</sup> century the relationship between Americans' adherence to freedom and their religiosity. In Europe the same commitment to freedom was usually associated with atheism. Tocqueville explained this difference by the fact that the European church was initially involved in politics.<sup>13</sup> Note that in the United States it is still true that commitment to individual freedom and guarantees of property rights positively correlates with religiosity.

If there is no God, who will determine what is just and moral? As we have already mentioned, the concept of natural law ostensibly can do without faith in God, if it is based on centuries of human experience. In reality, this did not happen. Positive law began a counter attack on natural law. "Socialists wish to play God", said the French writer F. Bastiat in the middle of the 19<sup>th</sup> century.<sup>14</sup> When armchair professors and elected presidents decided that they can dispose of the owner's money better than the owner himself and take care of justice better than the Creator, they did not hesitate to violate the rights of private property. Spencer, one of the last classical liberals, called the transformation of liberal ideas into a concept of a big "caring state" that decides everyone's problems for them, "a new Toryism".<sup>15</sup> The new morality introduced by the so-called new liberals, has become "politically correct", flexible and relative. This morality suggests that it is "moral" to sacrifice life, liberty and property for the sake of such universal values as the "peace process" and "social justice". The connection between this novel pseudo-morality and ideas of redistribution have drawn the attention of many scholars and writers, from F.A. Hayek, who debunked the intellectuals' attempts to make up such standards in direct opposition to those standards which have been tested by time,<sup>16</sup> to P. Rubin and A. Kolakowski, who wrote about "political correctness" as the lefts' contemporary prosthesis of morality.<sup>17</sup>

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<sup>13</sup> Alexis De Tocqueville "Democracy in America". [http://xroads.virginia.edu/~HYPER/DETOC/1\\_ch17.htm](http://xroads.virginia.edu/~HYPER/DETOC/1_ch17.htm) paragraph PRINCIPAL CAUSES WHICH RENDER RELIGION POWERFUL IN AMERICA

<sup>14</sup> F. Bastiat "The Law" paragraph 114 <http://www.econlib.org/library/Bastiat/basLaw1.html#>

<sup>15</sup> "Tori" came from a political jargon; it was a nickname of Britain's Conservatives. Being primarily a party of the aristocracy, they tended more often to support the requirements of landowners (e.g. protected custom duties for bread and opposed universal tax censuses in favor of the property tax). Some of them were inclined to "take care" of the factory workers, beggars, etc. The term "Toryism" was associated in the 19<sup>th</sup> century with royalism, paternalism, and extreme conservatism.

<sup>16</sup> Hayek, F.A. "The Fatal Conceit: The Errors of Socialism". The University of Chicago Press 1988.

<sup>17</sup> Agnieszka Kolakowska Imagine... The Intellectual Origins of Political Correctness, The Polish Foreign Affairs Digest (2 (7)/2003). See also Agnieszka Kolakowska, "Political Correctness and the Totalitarian Mentality" [http://www.omp.org.pl/stareomp/kolakowska\\_ang\\_ang.html](http://www.omp.org.pl/stareomp/kolakowska_ang_ang.html)

In the last hundred years, the state has been tending more and more to everyone and everything. That is, the situation has become such that the "enlightened" feed the crowd with what they took away (on a legal basis) from the rich. During this process, active people feel that on the one hand, any guarantees on their property get weaker and weaker, and, on the other, there becomes a possibility (and then subsequently a desire – after all, people are people ) to get what they did not work for. They become dependent. But what is even worse, some of the rich (which the press calls "progressive" or "patriotic") become actively involved in sharing other people's property due to their "correct" relations with the authorities. In this way the line between power and property gets blurred. And this blurring is like a vicious circle - it is easy to enter it, but very difficult to leave it. When wealth stops being the result of hard work and success and becomes synonymous with the authorities (or corruption), social relation to the guarantees of property rights alters for the worse. And the demands on repartitioning of property, acquired both in honest and dishonest ways, are amplified. Main conditions not only of a favorable business climate and long-term economic growth but of a normal civilized life are destroyed. Indeed, never in history could the dependent support and defend morality. In English and Russian, the word "villainy" comes from "vile class" (i.e., socially low, dependent) and the word "nobility" is associated with noble descent which guaranteed (in antiquity) independence.

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Having all this in mind, it is not by accident that totalitarian socialist regimes collapsed by the end of the 20<sup>th</sup> century, and not just economically (more details on this issue will be discussed in the next section). Consistent implementation of the totalitarian socialist models of government led to long-forgotten European savagery. For example, during the Great Famine in the Ukraine (1932-33), passersby indifferently stumbled on dead bodies or on those who lay unconscious from hunger, while the fight against gangs of cannibals was entrusted to the army. During the period of the Stalinist repression savagery was manifested in the spread of universal denunciation—not only among co-workers, classmates and neighbors, but even among family members.<sup>18</sup>

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<sup>18</sup> Israelis still remember how the government encouraged the people to inform on one another in 1995-96, after Rabin's assassination. The Israeli political system can be called (though with some reservations) "socialism with a human face." In 1992-95, authorities grossly neglected the will of the majority population and assaulted civil liberties. An excellent description of the events and the atmosphere of those years can be

Even in the relatively quiet periods of their history, socialist regimes were by no means a model of humanity. Regarding this M. Voslensky, the author of a classic description of the Soviet system, wrote about the first generation of the "new man" who grew in the USSR (in the relatively liberal years of the New Economic Policy):

*"Studies of Soviet sociologists of the 20-ies have long been removed from soviet libraries. They were extracted not without a reason: the studies stated that there was an increasing rise in callousness, cruelty, cynical selfishness and careerism among the population. This tendency was especially clearly manifested among young people. Thus, it is clear that this is not the "remnants of capitalism", but a completely new phenomenon. Further investigation has been banned."*<sup>19</sup>

The feeling of general happiness in the Soviet Union was, of course, unthinkable; the general feeling was that "we live like dogs."<sup>20</sup>

But the claims of supporters of other types of socialisms that they have more humanity, spirituality and justice than capitalism, must also be dropped. For example, when we speak of degradation of personality under the influence of the mildest form of socialism, the Western European kind, we can refer to the latest tragedy in Norway, where a terrorist shot without any hindrance 68 people in a youth camp. In the context of our analysis, we are not interested in the terrorist himself: an ideologically motivated maniac can appear in any nation at any time. For us, it is essential that hundreds of physically capable young men of draft and pre-draft age behaved like hunted ducks (not to say - like cattle led to a slaughterhouse), instead of protecting themselves and their friends.<sup>21</sup> If they had behaved differently, the death toll would have been several times smaller, and the murderer would not have left the crime scene alive.<sup>22</sup> Recall that the people who gathered in this youth camp (of the ruling party!) were people who claimed to be political leaders. The main goal of a state's leaders is to ensure the protection of their citizens. It is unlikely that such a blatant failure to protect themselves defends the new generation of leftist leaders' claim to power.

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found in Moshe Feiglin's book (M. Feiglin. *Where there are no men*. Jewish Leadership, 1999). The tension felt by the people burst and was immediately followed by an epidemic of informing.

<sup>19</sup> M. Voslensky. "Nomenclature" (in Russian). M.: Zakharov, 2005; p. 511.

<sup>20</sup> Richard Pipes, "Vixi: Memoirs of a Non-Belonger".

<http://yalepress.yale.edu/book.asp?isbn=9780300109658>

<sup>21</sup> N. Poller, Mayhem in Norway, *American Thinker* July 28, 2011.

[http://www.americanthinker.com/2011/07/mayhem\\_in\\_norway.html](http://www.americanthinker.com/2011/07/mayhem_in_norway.html)

<sup>22</sup> For example, unarmed members of a family celebration in Israel (Hadera, January 17, 2002) attacked the terrorist and disarmed him, striking him with chairs and other materials at hand. Terror Attack in the Heart of Hadera Claims 5 Lives (18 January – 00:44am).

<http://www.israelnationalnews.com/News/Flash.aspx/16591>

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The modern left-wing "liberalism" blames successful capitalism for being inherently immoral. Left-wing "liberals" brand the most successful entrepreneurs (i.e., those who best satisfy the interests of the consumer) as monopolists, almost as usurpers; they stifle the most successful businesses in a variety of illegal or semi-legal ways. Shameless robbery is justified by a campaign that demonizes the "profit-hungry" entrepreneurs. This means that all of society, via the state machine, brutally tramples on morality, changing the rules during the course of the game.<sup>23</sup>

In the left-liberal "brave new world", capitalism is given a definite and important place. Entrepreneurs, i.e., organizers of production, must work hard. They must bear the burden of progressive (i.e., disproportionate, incommensurable, and, frankly speaking, dishonest) taxation. So that no one has doubts regarding the legality of this situation, entrepreneurs have to accept the position of pariahs, and regularly repent and "disarm themselves before the government." In other words, they must accept the status similar to that of a "dhimmi" (infidel) in Islamic society. The "dhimmi" is subject to additional taxes, has a lower social status and is occasionally massacred in pogroms. It is not clear that such an option could be realistically applied to capitalism.

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The game called "social justice" strips the concept of the justice of its very essence. This essence is equal treatment of the rich and the poor.<sup>24</sup> Instead of justice, the "enlightened" through in the idea that it is vital that they (the "enlightened") redistribute the property of rich on behalf of the poor, claiming that this is just and that it is a kind of a compromise between the interests of the rich and poor.

The question of the so-called justice and the government's concern about people is closely connected with the question of the very essence of a Human being. Is a person similar to fattened cattle, which thinks about nothing and demands continuous care, and which expresses its satisfaction with an approving oink when it finds enough, from its point of view, bran in its tub? Is a person like cattle, which starts kicking, butting and

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<sup>23</sup> A recent example: the Israeli government adopted the recommendations of the Sheshinski Committee to sharply increase taxes on the profit earned from offshore gas. <http://www.haaretz.com/opinion/ahead-of-the-battle-over-power-itself-why-fischer-came-out-batting-for-sheshinski-1.338458>

<sup>24</sup> "Don't be corrupt when administering justice. Never give special favors to poor people, and never show preference to important people. Judge your fellow fairly." (Leviticus 19:15).



biting, if there is not enough bran, or (even!) if a neighbor's trough has more? Or is a Human created in the image of the Creator himself and is the most perfect creation (of God or Nature, depending on your faith), who develops his individual abilities and is concerned about his future? One who is capable of setting tasks for himself and controls his emotions, makes decisions and carries responsibility for the consequences, makes mistakes and corrects them, struggles with objective difficulties and experiences an spiritual satisfaction when overcoming them? In fact, the sincere supporters of the state's social policy, for all their beautiful phraseology are based on the concept of man-beast, while supporters of the "swinish capitalism" (as they are called by the aforementioned fighters of the common good) without the loud phrases see in man – a Human Being.

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The fact that the state should not be involved with social issues does not mean that no one should be involved with them. All of our objections have to do with *forceful* redistribution of funds rather than to redistribution in general. First, we should not neglect the social aspects of commercial activity. After all, every successful businessman does not only raise the overall quality of life in society by satisfying its needs, but also provides income to many people. In other words, he shares his success and does so in the best way possible: he gives people a chance to respectably earn an income instead of paying alms. Second, a voluntary, non-profit redistribution is an essential part of civilized life; it has always existed, especially among the Jewish people. Adult children supported elderly parents, well-to-do neighbors helped the poor, and the healthy took care of the sick. Those Jewish communities which survived the raids redeemed their fellow captives, on whom they most often have never laid their eyes (for example, after the pogroms of Bogdan Khmel'nitsky in 1648-49). Israel's main Children's Hospital "Schneider" is named after a family who built it with his own money, and the city of Netanya is named in honor of Nathan Straus, whose funds were used in 1928 to acquire new lands for the building of this new settlement. So there is every reason to believe that if the burden of state taxes is substantially reduced, the level of mutual aid and mutual help will dramatically increase. As a result, the beneficiary will be all of society.

## ***5. How welfare state pushes society towards poverty***

Formal democracy, not limited by a person's right to ownership and the priority of this right over the will of the majority, naturally leads to a redistribution of property of the rich minority by most the envious majority (even if wealth is a relative term). J. Adams<sup>25</sup> warned us of this danger in the late 18<sup>th</sup> century based on the already existing extensive historical experience<sup>26</sup>. The voter, in essence, has an opportunity to vote for the robbery of other citizens, so that the state could implement this "lawful plunder<sup>27</sup>" and bring him his share of the booty. It is difficult to resist this temptation. Historical results are well known. Here is a typical example from U.S. history, taken from a speech by President Calvin Coolidge in 1924:

*"When the surtax on incomes of \$300,000 and over was but 10%, the revenue was about the same as when it was at 65%. [Note: \$300,000 back in 1924 is the equivalent of \$3.8 million in 2010.] There is no escaping the fact that when taxation of large incomes is excessive, they tend to disappear.*

*In 1916 there were 206 incomes of \$1 million or more; then the high rate went into effect. The next year there were only 141, and in 1918, but 67.*

*In 1919, the number declined to 65. In 1920 it fell to 33 and the next year it was reduced further to 21."*<sup>28</sup>

A situation where the numerous rob the few (rich), cannot last very long. Soon, an inevitable situation arises where, as F. Bastiat put it, "all loot all." Thus, on the one hand envious parasitism is encouraged, but on the other hand, incentives for honest labor are destroyed; shattered are a person's incentives to become rich and to let others become rich (see the end of the previous section). Using Herbert Spencer's figurative expression, such "*policy ... intensifies the pains of those most deserving of pity, that the pains of those least deserving of pity may be mitigated.*"<sup>29</sup>

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<sup>25</sup> See Adams J. "Defence of the Constitutions of the United States" Vol.1.

<sup>26</sup> See for example Y. Latinina "A Party of Three Obols". Daily Journal, July 4<sup>th</sup>, 2011. <http://ej.ru/?a=note&id=11154>

<sup>27</sup> A term coined by a French philosopher-publicist Frédéric Bastiat in the middle of the 19<sup>th</sup> century. See "Lawful Plunder". <http://www.econlib.org/library/Bastiat/basLaw1.html#L.30>

<sup>28</sup> See for example A. W. Mellon. Taxation: The People's Business. The Macmillan Company, 1924; p. 216-227. [http://www.archive.org/stream/taxationthepeopl033026mbp/taxationthepeopl033026mbp\\_djvu.txt](http://www.archive.org/stream/taxationthepeopl033026mbp/taxationthepeopl033026mbp_djvu.txt)

<sup>29</sup> Spencer H. The Man Versus The State, with Six Essays on Government, Society, and Freedom (first published 1884). <http://www.econlib.org/library/LFBooks/Spencer/spnMvS.html> , § 3-44

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It was never effective for a government to concern itself about its citizens beyond the simple and natural protection from theft and fraud. Already in 1776, Adam Smith described in his monumental work "The Wealth of Nations" numerous examples of how an attempt of enlightened rulers to intervene in the economy in order to improve the prosperity of its subjects had reverse effects.<sup>30</sup> It is well known, for example, that forcing homeowners to lease their housing at a fixed price lead to a shortage of housing and deterioration in the quality of the proposed home (one of the first detailed descriptions of an artificially induced crisis in the apartment market we find in Herbert Spencer<sup>31</sup>). This crisis is only natural: who wants to invest in real-estate which will not make any profit? Attempts to regulate the price of essential goods leads to their disappearance from the market: who wants to manufacture unprofitable products? <sup>32</sup> Even worse, under the pretext of protecting the interests of the consumers, the "correct" businessmen are often provided not only with access to government orders, but also with protection from competition in the market. Such protection is often carried out under the banner of an anti-monopoly campaign: the most successful and powerful companies get labeled "a monopoly." Many, including Dominick Armentano and Hernando De Soto,<sup>33</sup> have written on the use of antitrust law for the creation of a government monopoly (note that according to many economists, the stability of a monopoly that is not related to the government is impossible.) In a well-known case in Israel when the opposition was silenced—when the Supreme Court annulled the law that legalized the Arutz Sheva (Channel 7) radio station—the judges referred to, among other things, the competitors' demand of equal conditions. According to their logic, which they borrowed from foreign colleagues, liberalizing access of any competition to the market is "unfair competition".<sup>34</sup> According to them, this liberalization violates the rights of those companies that have overcome pre-existing difficult obstacles (even if these obstacles in front of them turned

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<sup>30</sup> A. Smith. *An Inquiry into the Nature and Causes of the Wealth of Nations*, 1776.

<sup>31</sup> H. Spencer. *The Man Versus The State* (1884).

<http://www.econlib.org/library/LFBooks/Spencer/spnMvS.html>

<sup>32</sup> We are not talking about the practice of regulating prices with compensation of the manufacturer from the budget loss. These practices prevent a product from disappearing from the market but provoke a budget deficit.

<sup>33</sup> Dominick Armentano. *Antitrust: The Case for Repeal*. <http://mises.org/Books/antitrust.pdf>  
Hernando De Soto. *The Other Path*. Basic Books. 1989.

<sup>34</sup> The Supreme Court's ruling on March 26<sup>th</sup>, 2002. The text in Hebrew:  
<http://elyon1.court.gov.il/files/99/310/010/E14/99010310.e14.pdf>

into a passage with an open barrier due to connections with those in power). Thus, there is a "counter-natural", adverse selection in business: the most efficient manufacturers who know how to meet the interests of the consumer rather than the bureaucrat are winnowed.

When speaking about the results of the government's social policy in the old legal democracies, we cannot fail to notice the long-term, deep the crisis in various public fields, such as in pension programs, the education system and in public health care.<sup>35</sup> To some extent the causes of this crisis are not related (or rather, not directly related) to state regulation: for example, a slowdown in economic growth and population aging. Still, the main reason is bureaucratic control, which cannot effectively improve the quality of services or even maintain it at a proper level. And when we look closely at the education system we see an additional interesting phenomenon: more and more money is invested in the mentally challenged and less and less in the gifted. This trend is easily explained in terms of the interests of the bureaucrats who seek to expand their sphere of influence and protect themselves from responsibility for the consequences of their actions.<sup>36</sup> Indeed, for any funds spent on gifted children, the bureaucrats will have to account for with prizes at international competitions, the results of objective tests, etc. But for the money spent on the "alternatively gifted", regardless of the expenses, they will be able to account for with a photo album with pretty smiles. The same factor—the possibility of redistribution of substantial resources without being accountable for the results—facilitates a senseless and ruthless practice of extending the suffering of terminally ill patients and their relatives, when many people during the course of many years “metabolize” (for it is difficult to call this process life) without regaining consciousness.

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The severe global economic crisis of the 1970s put an end to the most odious forms of state expansion into Western economies. Nationalization has proven to be a complete failure. The margin of confidence in the national currency has been undermined by a continual (lasting for decades!) additional printing of money (to stimulate economic growth in accordance with the accepted at that time economic theories). Reforms of the

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<sup>35</sup> M.& R. Friedman. *Free to Choose*, 1980.

<sup>36</sup> In economics this description of bureaucrats' interests is called the "Niskanen Model," after the American economist William Niskanen. Note that this model only lets the bureaucrat keep the character traits of an average person.

1980s (Thatcher-Reagan reforms), for all their inconsistency and incompleteness, suddenly gave a significant effect. Weak finances stabilized. Economic growth accelerated again. It was as if capitalism got a second wind. It seemed like the infamous collapse of the socialist system, coupled with the refusal of the Chinese leadership to accept the majority of economic dogmas of communism, would consolidate the trend of progress toward economic freedom. However, instead of this progress, supporters of the “big caring state” began their revenge, to the accompaniment of pseudo-liberal claims. Load reduction due to the end of an arms race with the Soviet Union, as well as a sense of a newfound strong confidence in the financial institutions, awakened the appetite of interested parties and government officials to redistribute the pie.<sup>37</sup>

When speaking about the prospects of soft forms of Western socialism, one should notice the following: Businesses existed since time immemorial, but only in the past few centuries has capitalism been magically transforming the planet. In addition to guarantees of personal safety and property, there is one other important explanation for this peak of entrepreneurship, namely, reward of prestige.<sup>38</sup> Prestige of wealth and success is a relatively new phenomenon. In the olden days, Christianity, which then ruled the West, and Islam branded material prosperity and wealth as “shameful gain” and an obstacle to spiritual wealth. Of course, there is no hard-core proof that discrediting success and wealth would turn the situation around. However, to exclude such an outcome, would, to say the least, be imprudent.

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For those who forgot their Soviet experience, forgot how real socialism brought to its logical end influences the life of a regular man in the street; they can just look at Cuba, North Korea and the starving Zimbabwe (which even 20-25 years ago was thriving on the labor of white farmers). But even a partial redistribution policy, as was just shown, undermines democratic countries - slowly, gradually, but steadily. Alas, this extensive historical experience does not prevent each following generation from repeating the same mistakes over and over again.

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<sup>37</sup> M. Friedman, Cooperation between Capital-Rich and Labor-Rich Countries. “Liberty in the Americas: Free Trade and Beyond” conference keynote speech, 19 May 1992, Mexico.

<http://www.fff.org/freedom/0494d.asp>

<sup>38</sup> The Protestant Ethics and the Spirit of Capitalism <http://xroads.virginia.edu/~hyper/weber/toc.html>

## **6. The degradation of democratic institutions**

*You'll soon be penned by sticks into your pigsty,  
The people, not respecting sacred values.*

*Zinaida Gippius, 1917*

As already noted, in the last hundred years there has been a growing trend to transfer responsibilities and powers from the individual to the state. This trend is very dangerous for the basic rights of individuals. Citizens, who more and more rely on the government to resolve all their problems, pose a threat to their own freedom. A distinguished English economist John Mill wrote in the middle of the 19<sup>th</sup> century:

*"A people who are more disposed to shelter a criminal than to apprehend him; who, like the Hindoos, will perjure themselves to screen the man who has robbed them, rather than take trouble or expose themselves to vindictiveness by giving evidence against him; who... if a man poniards another in the public street, pass by on the other side, because it is the business of the police to look to the matter, and it is safer not to interfere in what does not concern them; a people who are revolted by an execution, but not shocked at an assassination—require that the public authorities should be armed with much sterner powers of repression than elsewhere, since the first indispensable requisites of civilized life have nothing else to rest on".<sup>39</sup>*

This trend threatens not only the basic rights of an individual, but the very existence of democracy as well. We would like to use Przeworski's definition of democracy, who identified a key feature of democracy as the presence of an effective, political competition: in a democracy, the ruling power can lose in the elections, and upon doing so, quietly becomes the opposition.<sup>40</sup> As shown by comparative analysis, to have an effective mechanism for changing the ruling powers, it is not enough for citizens to have the formal right to influence the composition of the parliament and the

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<sup>39</sup> J.S. Mill. Considerations on Representative Government. Pennsylvania State University. <http://www2.hn.psu.edu/faculty/jmanis/jsmill/considerations.pdf>

<sup>40</sup> Przeworski A., Alvarez M.E, Cheibub J.A., Limongi F. "Democracy and Development. Political Institutions and Well-Being in the World 1950-2000" Cambridge University Press, 2000; pp. 15-18

government by using their right to vote.<sup>41</sup> In addition, at least the following must be present:

1. A court, independent from any government (not just, for example, from the "wrong" right);
2. Independent and keenly competing with each other sources of media (the Media).

The new value of "a welfare state" leads to a more and more noticeable degradation of legal democracies' key institutions.

## **6.1 Degradation of an Independent Judiciary System**

If the state decides for its citizens what their needs are, the judges experience a temptation not to bind the interpretation of the law to the socially accepted values. In particular, as noted by the British journalist M. Phillips, "judges... have come down in favour of the rights of terror suspects, illegal immigrants and common criminals against the rights of indigenous, law-abiding people".<sup>42</sup> The judges even begin experiencing a desire to reeducate the people. This view was shamelessly expressed by the former president of the Israeli Supreme Court Aharon Barak. According to him, the law should be interpreted according to the ideas of the "enlightened" part of the population. Precisely this notion manifests itself in the right of the judge to arbitrarily interpret the text of the law in accordance with his own understanding and the hidden, "implied" meanings of the text. Although the intentions of the legislator play a role in the interpretation, the judge has the right to elucidate the text according to the needs and concepts of the "current time", at his own discretion.

This means that there are those who must obey the laws, and others - the "enlightened" – who interpret these laws at their own discretion. Barak's approach is

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<sup>41</sup> V. Mau, K. Yanovskiy, O. Vakhromeev, A. Vorobiev, I. Zatkovetskiy, T. Drobyshevskaya, S. Zhavoronkov, E. Reva, D. Cherniy, F.A. King "Closed Democracy institutions: few cases for comparative analysis attempt" (in Russian)

<sup>42</sup> M. Phillips. *The Daily Mail*, March 2 2009  
<http://www.dailymail.co.uk/debate/article-1158337/MELANIE-PHILLIPS-Yes-Big-Brother-Britain-menace-The-irony-civil-liberties-lobby-blame.html>

sharply criticized by the eminent American legal scholar Richard Posner,<sup>43</sup> as well as the famous American judge and lawyer Robert Bork.<sup>44</sup>

This kind of treatment of the law and this understanding of justice lead to a corresponding judicial system. The previous judicial system was subordinate not to the elite, but to the Higher Law. Each judge was independent and not subject to the president of the Supreme Court but to that very Higher Law. It is clear that that kind of a court could not fluctuate according to political wind of the day. The new court should protect the interests of a new "enlightened" elite and be extremely flexible.

In Israel, the judges, using a peculiar appointment system (in essence—self appointment), have managed to create their own oligarchy, in which they are not controlled by politicians elected by the people.<sup>45</sup> Members of the Supreme Court, located at the top of the oligarchic pyramid, are completely independent and not accountable to anyone. Unlike Israel, in other democratic countries the legislative and executive powers participate in different ways in the appointment of judges.

In all common law countries removal of judges is carried out by a qualified majority in the parliament through a complex procedure of impeachment, which guarantees the judge the same level of protection as the U.S. president has. But in Israeli local and district courts, judges are denied an elementary level of independence and can be thrown out by their senior colleagues with minimum costs for the latter. This mechanism works as follows: By law, a criminal investigation against the judge is begun by the attorney general. Everything that follows in actuality depends on the president of the Supreme Court. The latter appoints the members of a disciplinary court that will study the charges against the judge; he is also the one who prepares the materials on the termination of all of the judge's powers for the Judicial Elections Committee. This means that in order to take away a judge's authority, all the president of the Supreme Court has to do is make an arrangement with the Attorney General. In reality it is usually sufficient for the president of the Supreme Court to have a short talk with the judge, for the judge to decide to resign.

Thus, the judiciary system, as an oligarchy, is independent, but there are no independent judges in this system. Accordingly, there is no independent court because

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<sup>43</sup> R. A. Posner, *Enlightened Despot*. *The New Republic*, April 23, 2007.

<http://www.tnr.com/print/article/enlightened-despot>

<sup>44</sup> R. A. Bork, *Barak's Rule Azure* 27 (2007). <http://www.azure.org.il/article.php?id=34>

<sup>45</sup> M. Haller, *The Court That Packed Itself Azure* 8 (1999).

<http://www.azure.org.il/article.php?id=300>



the judges are not subordinate to the law, but to the president of the Supreme Court. It is not difficult to guess how this affects the maintenance of law and order in our country.

## ***6.2 Degradation of the Independent Press***

The State's concern for the "spiritual needs" of its citizens leads to the creation of the government media-empire. The hosts and commentators who work for government TV channels do not depend on the supply and demand of the market, or on the interests of the listener or viewer. In any case, all their expenses will be paid by the taxpayers. Their interest, like that of any bureaucrat, is to wring more money from the budget and at the same time get rid of any and all liability (including criminal responsibility for the disclosure of state secrets). Typically, private broadcasters are unable to compete with the government broadcasters in key areas such as political processes and the news, even if the broadcast is not suppressed by force (as it was in the case of closure of Arutz Sheva, the "Channel 7" Israeli radio station). The fact is that most people usually have little interest in politics, and therefore advertising covers the costs of political broadcasting only in times of a drastic increase in interest in the political situation (for example, during election campaigns). It is practically impossible for a private broadcaster to outplay a competitor, all of whose expenses for political and news broadcasts are paid by tax payers.

Not being able to compete with public channels in the coverage of politics, commercial channels, typically offer light hearted shows, movies and music, maximally loaded with commercials. That is how the media market of most Western countries works. In Israel, where interest in politics is much higher than in most democratic countries, in order to suppress the independent radio station "Channel 7", its leaders "had" to be brought to court.

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These processes lead to the gradual transformation of the democratic system of governance into an oligarchic one. The court and the press – two non-elected branches of the government – no longer counterbalance each other; rather they enter into an alliance that enables them to defend the oligarchic structure from the control of the

voter. For example, in Israel, the historically formed union between the press and the legal system can bring to their knees any elected politician. Incentives of elected politicians to serve the interests of the voters are weakening; the real power of the voter is melting.

## ***7. Degradation of military institutions***

The logic of redistribution and the struggle of government officials for resources trigger a situation where the state begins to avoid effectively fulfilling its duties of protecting its citizens from the abuse of enemies at home and abroad. During wartime the state spends and redistributes much more than during peacetime. In terms of increasing their portion of the redistributed resources, officials should have to be interested in a permanent escalation of any conflict. In reality the situation is much more complicated. A massive war is always associated with tangible war casualties and material deprivation. In addition, in a large-scale war all branches of the government system have specific assignments which must be accurately performed. Not to mention the fact that a serious war always entails the danger of losing the state, i.e. everything. But as long as there is no serious threat to the state or to personal security (or it seems that there is not such threat, for example, in a case where the death toll from terror attacks is substantially less than the number killed in car accidents), it is objectively beneficial for the bureaucratic apparatus for the continuation to remain as is. That the situation could spiral out of control, this the official does not think about. Whether we like it or not, an official's objective interest is to maintain terror on a small fire. Few get involved in direct sabotage, all the more so betrayal (see the article by Fulmacht),<sup>46</sup> but most subconsciously look for a pretext to avoid a radical solution to the problem. And the left-liberal morality provides such pretexts in abundance.

First, if there are no absolute values, why should a soldier risk his life? This idea was voiced by a leftist activist Cindy Sheehan, the mother of an American soldier who was killed in Iraq, and who speaks today, although without power of attorney from him, on his behalf, as it were: "This country is not worth dying for." Secondly, the concept of "the weak is always right" is useful to keep the conflict going because it ties the hands of those who want to the fight against terror. As a result, a new, useful to the bureaucrat idea is formed: winning the war is impossible. To justify this concept, one can easily assume

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<sup>46</sup> V. Fulmacht. Territories in exchange for power (in Russian) <http://gazeta.rjews.net/fulm1.html>

that the life of a citizen is a relative good and that it can be easily sacrificed in the name of "higher purpose" (e.g., world peace, social progress, the triumph of multiculturalism and tolerance, etc.). One should not destroy the enemy but negotiate with it; the purpose of war is not victory but to keep the citizens' security breaches "within acceptable limits" (in modern leftist American media the concept of war on terror is usually taken into quotes). It is clear that when such an approach spreads throughout the entire society, victory is impossible.

Not only civil bureaucrats became fond of the idea of the impossibility of winning the war but military officials as well. If winning the war is impossible, then the main test is canceled. Military bureaucrats, together with their civil colleagues, profit from such benefits of the "new order" and the social state as lifetime employment, weakening transparency and accountability, and most importantly, from the decrease in responsibility for the result (this was manifested in particular in the impunity and irresponsibility of Israeli Defense Ministry officials following the results of the 2006 Lebanon War). An illustration of this point is the following story (which sounds more like a joke) as related by Richard Pipes, who held a high position in the Ronald Reagan administration. An officer was making an official report at the U.S. Air Force headquarters when the chief of staff interrupted him: "Stop calling the USSR an enemy. It is our adversary. Our enemy –is our Navy."<sup>47</sup>

This process is unstoppable. When dying for one's country is no longer considered an act of valor, killing the enemy is regarded as a crime with "excessive" or "disproportionate" force. The army is increasingly forced to use methods of the police: the terms "incrimination" and "collateral damage" become central. Accordingly, the military bureaucracy begins not to encourage victory but to punish for it, to the point of putting the winners on trial. After all, victory – according to the new morality – doesn't exist and cannot exist; what can exist is "excessive use of force." In fact, the winner in any war has either "excessive force" that is, a general superiority, or concentrates his superior forces at key locations. Thus, the "disproportionate" or "excess" use of force is, if not synonymous to victory, then the only known way to achieve it. And precisely this method the leftists blocked. Indeed, imagine that an officer with limited forces and means led a successful operation against the terrorists. This operation, especially its recurrence, casts doubt on such a useful for the bureaucrat idea that it is impossible to defeat terrorism with military force. What is more important for a bureaucrat - a useful

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<sup>47</sup> Pipes R. "Vixi: Memoirs of a Non-Belonger". Yale University Press, New Heaven & London 2003. <http://yalepress.yale.edu/book.asp?isbn=9780300109658>

idea or effectiveness of the army? The officer is placed before a choice – career or victory. Many people choose their careers, others are eliminated.

The army and the police also strictly monitor to ensure that individuals do not use successful civilian self-defense: remember the prosecutions of those conscious citizens (as Ilana Podolsky, Michael Ezer, Shai Dromi),<sup>48</sup> who used arms to defend their lives and property, as well as the law. This is true despite of the fact that in the event of a terrorist act, this self-defense method is much more selective, humane and effective than those used the army, equipped with powerful military technology.<sup>49</sup>

The most serious and dangerous consequence of this new policy is the demoralization of the population and their loss of faith in the justice of their struggle. The Israeli public activist and publicist Moshe Feiglin very aptly noted:

*"[In the early 1990s] about 150,000 Arab workers entered through the Erez checkpoint every morning and returned every evening. How did the IDF manage back then to defend the border and maintain the security of Israeli citizens? The answer is very simple: by means of a piece of rope! At the Erez checkpoint a bored reserve soldier stood with a rifle slung over his shoulder (and sometimes even without it) and held the end of a piece of rope that was attached to a post on the other side of the road. He lowered and raised the rope as he wished – and this method worked. Now there are Merkava tanks on the border, and Apache helicopters circling overhead – and this method doesn't work."<sup>50</sup>*

Further on M. Feiglin rightly concludes:

*"The reserve soldier with the piece of rope was not armed with battalions of Merkava tanks and squadrons of Apache helicopters – but he was in the right. At least that was how the other side saw it. The war between the Jews and the Arabs in this country is not just a war for Lebensraum, but for something far deeper. The longer the Intifada continued it become clearer to the Arabs that the Jews were not in the right.*

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<sup>48</sup> More can be read about these cases in the following internet sites:

<http://www.israelnationalnews.com/News/News.aspx/132407> (Shai Dromi)

<http://blog.womeningreen.org/?cat=20> (Ilana Podolsky)

<http://sashanep.livejournal.com/202451.html> (Michael Ezer)

Because this outrageous case became so typical, Knesset passed a law named after Shai Dromi which protects people like him. This law however is not even a pale shadow of the Second Amendment to the U.S. Constitution which protects the rights of its citizens to bears arms for self-defense purposes.

<sup>49</sup> We will refer only to one specific terrorist attack which occurred in Jerusalem in 2008, (i.e. Merkaz Harav massacre) where the terrorists were neutralized by armed civilians and not by police officers on duty.

<http://fr.jpost.com/servlet/Satellite?cid=1204546422275&pagename=JPost/JPArticle/ShowFull>

<sup>50</sup> M. Feiglin. "Why are They Committing Suicide?" <http://www.freerepublic.com/focus/news/665186/posts>

*The more they received, the more they understood that this Israeli ethos facing them was only an empty balloon. As the Arab murderer, Dahlan, said: "We realized that you were just an ordinary country".*

*Our region abhors a vacuum. If one side gives up its feeling of being in the right, the other side acquires this feeling...Now all these primitive tribes, whose cultural mores were always based on robbery, and certainly not on justice, feel that they are totally in the right. Now they are righteous people, saints – Shahids.*

*It's as if a small child has been given the keys to a truck. This is a case of cultural defilement that has suddenly been given a tremendously powerful tool – justice and morality.”*

The fish rots from the head, and therefore, the ruling circles are the ones to blame for inefficiency in the fight against terror (see also an interesting historical study by J. Henkin<sup>51</sup>). But to take away the responsibility from an ordinary citizen would be wrong. Contrary to theories about the feebleness and military inefficiency of democracy, the voter-taxpayer has created the concept of "republican virtue." Since the days of the Marathon and to this day, the gallant Greeks, Romans, Finns, and Americans have won even the most numerous, well armed and trained enemies. They retained loyalty and readiness to fight even in the most desperate situations. Winston Churchill expressed the motto of such voters in war:

*"...we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender, and even if, which I do not for a moment believe, this Island or a large part of it were subjugated and starving, then our Empire beyond the seas, armed and guarded by the British Fleet, would carry on the struggle, until, in God's good time, the New World, with all its power and might, steps forth to the rescue and the liberation of the old."<sup>52</sup>*

When too much is in the government's care in the "prosperity for all" country, a new type of voter emerges. This voter thinks that has all the rights by virtue of the very fact that he was born. He does not connect obtaining his rights with performance of his civic

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<sup>51</sup> Y. Henkin. How Great Nations Can Win Small Wars. *Azure* **24** (2006).  
<http://www.azure.org.il/article.php?id=140>

<sup>52</sup> Churchill W. June 4 1940 House of Commons speech.  
<http://www.winstonchurchill.org/learn/speeches/speeches-of-winston-churchill/1940-finest-hour/128-we-shall-fight-on-the-beaches>

duties. This consumer who forgets about his personal responsibilities expects the state to help him in all his everyday problems, rather than solving them himself. He has the illusion that one can share with friends the money spent on the protection of public order and security. He is no longer willing to fight "at all costs", which is immediately used by both internal and external enemies. Indeed, as noted by C. Clausewitz in his fundamental work, any war is waged first and foremost against the enemy's courage.<sup>53</sup> France's defeat in 1940 is a frightening example of how a bloated and relaxed democracy becomes the victim of an energetic predator with a low level of needs a high level of motivation, despite its significant superiority in all quantitative indicators.

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Speaking about the fight against terror in today's society, it is impossible to ignore the topic of the so-called "asymmetric" or "non-trinitarian war". After all, it has been popular in the past several decades to talk about the transformation of war (see, for example, the book by M. van Creveld).<sup>54</sup> According to this concept, past wars were symmetric and so-called "trinitarian", i.e. each side had three separate institutions: the combatant army, the non-belligerent population, and the government. Now the ones at war are not the government, but the organizations; the line between the combatant and the non-combatant parts of the population is erased; there is no front and no rear. Clausewitz describes the trinitarian war (i.e. the conventional, symmetrical) and is, according to this view, hopelessly obsolete.

The truth is that guerrilla tactics was used since ancient times and the actual modern term *guerilla warfare* was coined during the Napoleonic wars in Spain over 200 years ago. The basic differences between war and all other human activities have not changed, namely: extreme tension (even until death) and extreme unpredictability of events. The principle formulated by Clausewitz has not at all become obsolete: the goal of war is to crush the enemy's courage. As formulated later by G. Le Bon, the one who wins the war is the one who is more convinced, and only if the sides are equally convinced, then the more organized (and sometimes simply the luckier one) is victorious.<sup>55</sup> Non-trinitarianism of modern warfare is not something fundamentally new; it's the enemy's (the terrorists') utilization of their strengths and our weaknesses. Our main weakness, as

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<sup>53</sup> Carl von Clausewitz. *On War* (1832/1834) <http://www.clausewitz.com/readings/OnWar1873/TOC.htm>

<sup>54</sup> M. van Creveld, *The Transformation of War* (1991).

<sup>55</sup> G. Le Bon, *Les Lois psychologiques de l'évolution des peuples* (1894; *The Psychology of Peoples*).

just noted, is the reluctance of those in power to win, the indecisiveness of the people, and the society's uncertainty of their own rightness.

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The one who wins from all this is – for the time being – the bureaucrat. The one who loses is the taxpayer and the citizen who works hard and serves in the army, i.e. nourishes and protects. He owes the bureaucrat, but the bureaucrat does not owe him. For, as we have already mentioned, the new state morality presupposes the existence of higher values than life, liberty and property of citizens, such as the "peace process" or "social justice." However, his duties as a taxpayer regularly materialize as tax collectors and bailiffs.

## ***8. Summary: What to do?***

Let us repeat the three main objections (developed in Sections 4-7) against the state social policy that forcibly redistributes the property of some people to others:

1) Forced redistribution is immoral because it contradicts the laws that protect the dignity, equality and private property of all citizens (regardless of whether these laws are derived from the will of the Creator or the laws of nature). Such a policy leads to a devaluation of moral values and to personal degradation.

2) Even if the state social policy was not immoral, history has since proved its economic inefficiency. Such forcible redistribution leads to serious crises, and, if taken to its logical end, i.e. nationalization, to society's impoverishment.

3) Even if such a policy was cost-effective, the society it corrupts turns out to be non-vital, slipping into oligarchic dictatorship and self-destruction.

The modern welfare state, more and more lays claim to play the role of our master. But the state system is our servant and not our master. A servant who, is unsuccessful in performing his duties, and is rude and extorts more and more payment (not to mention claims of ownership!) can and should be dismissed. While recalling the historical precedents discussed in this article, the above-described citizen and voter, very much like the American colonists in 1776, has the right to ask himself: is it time to take

responsibility for himself and for all of society? Is it time to "hire" another state, instead of the one which claims to have achieved the common good, but which obviously is not coping with its responsibilities?

Such a state in which the judicial system will be built on safe working models made not for the interests of a handful of lawyers but for the protection of life, liberty, dignity and property of its citizens. If the judicial system will operate according to common law, the appointment of judges will not be entrusted to the corporation of lawyers itself, as it is today, but to elected politicians. The suspension of a judge (which is as important) will not be the result of a decision made by a close circle of senior colleagues, but by a qualified majority of the Knesset after a complicated and lengthy procedure, which, as shown by experience, can protect the judge from the wrath of the crowd and the vengeance of his colleagues.

A state in which no one can be forced to pay out of his pocket for airtime to those he disagrees with. A state in which the host and leading commentator will not only have to earn the right to be broadcasted, but they will also have to defend their ideas in a free debate with their colleagues, whose microphone and airtime will be paid by their opponents; all this without possibility to call the obedient police and shut up criticism, accusing the opponents of "incitement" or making a "hate speech".

A state in which franchise will be directly connected to bearing the burden of public spending. A state in which the best pre-election tactic will for the deputy to present to the voter-taxpayer a list of costly projects that were rejected due to his efforts instead of displaying a list of his new "trophies" wrung from the budget, i.e. from other people's pockets.

A state in which all political parties and leaders who have found a task more important than the protection of life, liberty, dignity and property of the citizens, are not only denied the opportunity to have claims to power, but even to be regarded as a legitimate opposition.



## Family Crisis in Modern Society

### 1. Manifestations of the Crisis and its Implications

By the end of the 1970's, it became clear that the family as a social institution was experiencing a crisis. This crisis manifests itself in an unusually high divorce rate (up to half of the number of marriages, see Fig. 1), a growing proportion of single parent families and a low birth rate, significantly lower than that required for population growth. Additionally, the average age at marriage is rising. The crisis also manifests itself in conventional and official marriages being substituted by cohabitation, as well as in the emergence of the so-called "gay marriages". In addition, it is signified by the increasing popularity of political theories claiming that there is no fundamental difference between the sexes (despite the fact that one of the equal sexes, that was previously oppressed, is "more equal" than the other).

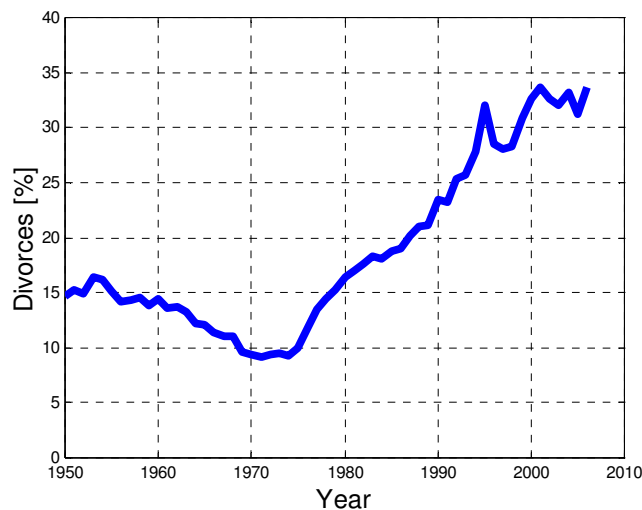


Figure 1: The number of divorces in Israel as a percentage of new marriages. One can see a disturbing rising trend beginning in the 1970s. Source: CSO Israel, 2006.

Weakening of family ties and a decline in fertility has a number of important socio-economic and political consequences. From the socio-economic perspective, the decline

in fertility (pertaining primarily to the middle class) creates stress in the labor market and exacerbates the problem of financing people incapable of work. The higher age of parents at childbirth leads to an increase in the number of children with congenital anomalies and birth defects (only a proportion of which are detected at the stage of fetal development and can be "remedied" by termination of pregnancy).

From a political point of view, an important consequence of the family crisis is the weakening of democratic institutions that protect property rights and support the legal order. In a society that is based on morality and law ("Rule of Law"), enclaves lagging behind sub-societies begin to appear; in these sub-cultures, power is based on violence ("Rule of Force"). The mechanism of this process is simple: the decline in fertility leads to a society's "aging" which in turn, brings about the harsh necessity to attract additional labor. This labor force is drawn from countries that have civilization clashes with the modern Western society. Some of these discrepancies (cultural, but not civilizational) could be observed in the immigration of the Irish, the Polish, and the Jews to the U.S. However, the immigrants of Africa, Asia and other "Rule of Force" cultures did not just find it difficult to adapt to the conditions of the "Rule of Law", but often simply had no desire to do so, as they were not faced with the necessity to culturally assimilate. They retained their "soft infrastructure" which was based on the tradition of using force as an arbitrator. It is well known that the "Rule of Force" enclaves of society provide the infrastructure for recruiting, training and financing terrorists. Life within these communities is based on violence, which sometimes spills outward.

## ***2. On the Limitations of Applying Economic Analysis***

Applying economic analysis to a personal and intimate part of our lives such as family problems is naturally a cause for suspicion, which often turns into irony or even contemptuous rejection. However, such an attitude towards an economic analysis of this problem is unfounded. Thus, in the same way that a Marxist economist tending to explain absolutely everything with economic reasons is meaningless, an attempt to attribute the diversity of the world to sexuality or, for instance, to formal legal rules is completely senseless. But as someone once put it, the fact that not only do metal filings stick to a magnet, but flies also stick to honey, does not mean that magnetism does not exist. Considering the family problem at the micro level, it is difficult to argue that

economic factors such as financial problems, or living with parents for economic reasons, etc. played a significant role in the deterioration of a considerable number of families. Similarly, at the macro level: we will not discuss whether or not the economic factor is the determining one, but it is indisputably present. After all, economy is the science of incentives,<sup>1</sup> and "people respond to incentives. The rest is commentary."<sup>2</sup>

In this context, it is worth noting an interesting fact. As just mentioned, one indication of family crises is the rise in age of marriage. However, it is no secret that as a person gets older, the influence of emotional and physiological factors is weakened, while the influence of rational (i.e., economic) factors is strengthened. Thus, it is reasonable to assume that with the increase of family crises, the role of the economic factor is enhanced.

As already noted, attempts to force homeowners to set a fixed rent price lead to a housing shortage and to a deterioration in housing quality. Similarly, attempts to regulate the prices of essential goods lead to their disappearance from the market. Therefore, there is every reason to believe that, despite the immeasurable complexity and inertia of the family (i.e. a family's general stability), attempts to force husbands to accept disadvantageous conditions concerning their wives' rights and parents to accept these condition concerning their children *objectively helps* reduce the number of married couples and causes birth rates to fall.

Further on we will attempt to re-create a global social "experiment" which failed in the economy, in the area of family relations. This experiment was based on the assumption that the government possessed special knowledge and integrity and, consequently, on the belief that it had the full right to intervene in citizens' affairs, in this case – family affairs. We will try to show that the state's excessive regulation of family relationships erodes spouses' and parents' personal responsibilities. In addition, it weakens a family's motivation to create a stable family unit, as well as parents' motivation to have children and bear full responsibility for their education.

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<sup>1</sup> Robert J. Aumann – Nobel Prize Lecture, 29 Jul 2011.  
[http://nobelprize.org/nobel\\_prizes/economics/laureates/2005/aumann-lecture.html](http://nobelprize.org/nobel_prizes/economics/laureates/2005/aumann-lecture.html)

<sup>2</sup> S.E. Landsburg, The Power of Incentives  
<http://freedomkeys.com/pricecontrols2.htm>

### **3. Who Benefits?**

American sociological studies can give us an idea of who votes in favor of excessive regulation and who votes against it. In the U.S, the Republican Party traditionally stands for budget cuts and limiting the exercise of government powers, while the Democratic Party is associated with large budget expenditure and more active government intervention in its citizens' private lives. Interest in "inflated" budget expenditures and state rights serve as a natural basis for the union between bureaucrats and leftist politicians.<sup>3</sup> The results of polls conducted by the Gallup service in the United States, <sup>4</sup> provide every reason to believe that the majority of family men who regularly attend church vote against giving excessive powers to the state (including giving the government full authority to protect children from their parents' fictitious crimes). On the other hand, a lonely, secular lady is almost certainly going to vote the other way around, i.e. in favor of such powers, especially if she is a social worker, a police officer, a member of the leftist teachers' union or simply an excessively "observant" neighbor (see the diagram in Fig. 2). The vast majority of U.S. government employees living in the District of Columbia voted in the same way as this very "observant" lady.<sup>5</sup> This statistic shows on which side the apparatus of the executive power lies and in which direction it tends to push the situation.

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<sup>3</sup> In Israel the left-right classification is primarily associated with the position of the dove-hawk in the Arab-Israeli conflict; nevertheless, there is a strong correlation between "leftism" in domestic policy and "leftism" in foreign policy.

<sup>4</sup> <http://www.gallup.com/poll/112132/Election-Polls-Vote-Groups-2008.aspx>

<sup>5</sup> [http://clerk.house.gov/member\\_info/electioninfo/index.aspx](http://clerk.house.gov/member_info/electioninfo/index.aspx)

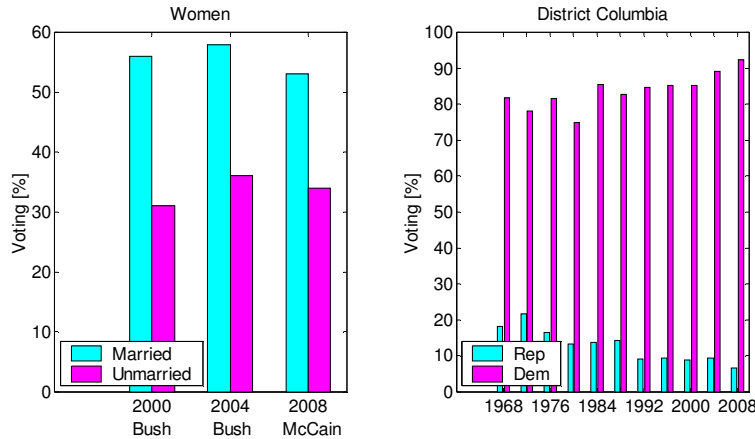


Figure 2: Left: Results of women’s U.S. presidential election. The Republican candidate (Bush and McCain), who spoke for limiting government powers, received the majority of votes from married women. Right: Results of voting in the elections for District of Columbia’s Senate, where the majority of citizens work as government officials. Not surprisingly, the vast majority of the electorate persistently voted for the Democratic political party, traditionally associated with large budget expenditures and the governments’ active intervention into its citizens’ private life.

In Israel none of the readers of this article wonder for whom the vast majority of the religious married citizens vote. In a country where political opposition is very strong, temptation to use the club of social services and child-and-wife-protection laws against right-wing religious Jews is very strong. In any case, propagandistic (and obviously demagogic) campaigns to protect women and children in religious families from “violence and abuse” and from being used “for political purposes,” are mounted in our country all the time.

An official who strives for growth in his career has an objective interest in increasing the amount of redistributed resources under his authority.<sup>6</sup> In order to attain this goal, it is necessary to keep on challenging the government in new ways. One of these new challenges became the "war" of the state to protect women and children from family violence.

The leftist fight with the family and morality is to a certain extent connected with the general trend of transferring responsibility from the individual to the government where the latter is interested in maximizing resources and control. Maximizing control conflicts with any limitations, the most powerful and stable of which is morality. Morality that is

<sup>6</sup> In economics this is called the “Niskanen Model,” named after the American economist William Niskanen. Despite its scientific name, this model just bestows the bureaucrat with all the humane qualities.

instilled and maintained in the family is in itself a major problem for the leftists. Their self-made "political correctness" with its claim to be the new morality cannot compete with eternal values passed on by families throughout the ages. In addition, supporters of the "the big, caring government" do not need a dangerously effective competitor. A normal family socializes the child much better than the modern-day school. It provides a sense of support, not related in any way to the government. When faced with a crisis situation, a normal person from a normal family does not call the staff psychologist in the State Crisis Centre, nor does he run to a social worker or seek welfare. He is supported (but, if need be, is given a shakeup) by those whose loyalty and devotion he is sure of. He overcomes the crisis much sooner and will again stand on his own two feet, without the help of the state. Thus, regardless of the subjective preferences of state officials (many of them undoubtedly are good family members) they are, as a class, objectively interested in weakening the institution of family ties.

Of course, there can be also alternative situation in which the left-totalitarian regime may be interested in a strong, loving family. Namely, in a totalitarian society, the natural love and concern for a spouse and children is used by the regime as a tool for pressuring people. Family members are routinely used as hostages. Children are used for daily control of the parents. But all this is only the next step. To implement this alternative, the modern left would need such a level of control and such massive repressions that they are afraid to even think (or dream) about it. Note that in the Soviet Union, Stalinist "care" for the family was substituted by complete lawlessness in the 1920s, when it was possible to get married and divorced twice in the same day. In light of using the family as an instrument of coercion and surveillance, it is not accidental that the beginning of this "concern" coincided with the liquidation of the New Economic Policy and the first open repressions (Shakhty Trial in 1928 and the Industrial Party Trial in 1930).

#### ***4. The Traditional Family and the Foundations of the Constitutional System***

As we mentioned in the article on legal democracy, ideas about inalienable human rights to life, liberty and property and notions regarding limiting any power came from the Bible. While the importance of the above mentioned principles for the functioning of the constitutional system seems to be undisputed, the commandment "Do not commit

adultery" and the related moral fundamental values of the Sinai Revelation might not be so obvious to everyone. Nevertheless, the traditional family that bases itself on these moral values has facilitated in the past and continues to facilitate today, workforce production as well as cultivating a sense of trust at the micro level. For example, most businesses start as family businesses. Even in countries hit by the family crisis (e.g. Russia), the practice of registering assets in the wife's name is well-known and widespread. In this sense, the family supports and transfers basic standards of morality and fundamental interpersonal and economic skills to the next generation. In doing so, it affects the outside world on the macro level - for example, the family facilitates the acceptance of legislation as this is in line with the basics of morality and common sense. Thus, it is the family that creates the foundations for a society based on law and morality (Rule of Law), encourages cooperation, supports the market economy, and consequently, facilitates economic growth.

The family as a free union of free members (i.e. of independent and responsible individuals) is a historically recent and, until the last few centuries, rare phenomenon (remember the right of the first night). For a family institution to emerge and continue existing, the non-interference of the state in family relations in general, and in the relationship between a man and a woman specifically are required as in free economic activity (civic responsibility and the protection of life, liberty, dignity and property of citizens). Such a family for many centuries was a striking exception to the pagan rule: the strongest received all of the very best, including land, cattle, gold, and the most beautiful women. He got it simply because he was the strongest, and the lives and freedom of everyone were under his control. Precisely for this reason, for example, the biblical beauty Sarah had been the subject of claims by the kings who were confident of their right to her, the right of the strongest man to the most beautiful woman. Only the direct intervention of the One whose power is far superior to the power of all kings of all times and nations, provided an exception to the rule. The most beautiful woman went to the most worthy man, in the opinion of the Creator. This intervention occurred to a large extent precisely because Abraham and Sarah, being independent responsible individuals, were convinced of their rights to be married to each other and had "a firm reliance on the protection of divine Providence."<sup>7</sup> This confidence stood in direct contrast to the vast majority of their contemporaries in Egypt and Gaza, who were sure this woman befits

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<sup>7</sup> See the US Declaration of Independence.  
[http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html)

only the king and not Abraham, and certainly not them, who were merely toys in the hands of the king, and not subjects of the Creator.

A family is a union of free people. However, if you understand equality as complete symmetry (rather than equality before the law), then freedom does not only mean equality, but strictly speaking, it means the exact opposite. Due to even purely biological differences, the family cannot be a "symmetrical contract."<sup>8</sup> Having this mind, the authors' problem with the current feminist trend is not that the rights of spouses are asymmetrical, but that this trend contradicts a reliable, tested morality, and precisely for this reason, this trend is unjust. As will be shown further on, the feminist model of asymmetry is not only ineffective, but it undermines families' incentives to cooperate and to work together efficiently, it threatens property rights and even society's very existence. On the other hand, families of biblical patriarchs are examples of asymmetric marriage, where each spouse had great responsibilities, but neither of them aspired to equality of rights and responsibilities. Accordingly, the responsibility in these biblical narratives falls completely on the shoulders of the patriarchs, the heads of the families.<sup>9</sup>

When speaking about the patriarchal family of the Old Testament, we cannot ignore the issue of polygamy. In modern Western society, polygamy is seen as a barbaric anachronism, but we would like to question this approach. It is true that those societies that practice polygamy today can hardly be called the epitome of lawfulness and protection of individual rights. On the other hand, one cannot ignore the fact that more women want to get married than men (at least in Israel).<sup>10</sup> Thus, the "superfluous" women have only two ways to get married, and in both cases they would have to be second wives: either they would live together with their husband's first wife (polygamy) or they would marry their husbands after his divorce (as is the case nowadays). In the case of polygamy, the second wife has a much broader choice of potential spouses: she can become the only wife of an irresponsible and lazy man or a second wife of a

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<sup>8</sup> Ardent atheist feminists are not outraged by the fact that fathers who raise their children after a divorce almost never receive child support from their former spouse. Thus, all or nearly all of them implicitly agree with the inequality: the man has to work "in the sweat of his brow", just like a woman has to give birth in pain (remember the curses of Adam and Eve).

<sup>9</sup> Thus, in a biblical episode especially liked by the anti-religious propaganda, Rebecca, Isaac's wife, defends her son Jacob's interests because she (and not her husband) received a prophecy that only one of her two sons (and it is clear which one) must continue her husband's mission. However, it does not occur to her to bless Jacob HERSELF because she understands that this is exclusively the prerogative of the husband, who represents the ENTIRE family before God, and who is able to give out blessings as well as curses.

<sup>10</sup> This well-known fact contradicts in a certain sense with simple intuition, because until the age of 35-40, the total number of women is *less* than the total number of men; only after 40 does it then become more (since women enjoy a longer life expectancy than men). We will not analyze this phenomenon here. A partial explanation is provided below in Section 6.2.



responsible and hardworking man. From an economic point of view, it is also reasonable to assume that allowing polygamy will prevent part of those divorces that are initiated by husbands. A more detailed analysis of this problem, including its moral and ethical side, is beyond the scope of this article (although polygamy does not seem to be such a complex issue considering the current mayhem). However, it is important to note that in modern Israel a number of Orthodox rabbis (for example, Rabbi Dov Stein and others) advocate the return of polygamy.<sup>11</sup>

## ***5. Consequences of the Sexual Revolution***

The quality of family relationships can widely vary. This is obvious to anyone who has even a minimal amount of life experience (even to a modern scholar who believes in the equality between the natural form of private life (i.e. the traditional two-parent family) and the perverted forms (i.e. those discussed above). It is extremely difficult to quantitatively measure its quality but it is possible to make a general assessment on a "better-worse" scale.

Consider for example a "high quality" family, which today seems like "a rare commodity" to many. This kind of family is based on mutual love between the spouses, as well as a willingness on both sides to invest energy and resources in the children's education.

Another important factor in a successful family is mutual respect between the spouses. In other words, to assess the reliability of one's spouse, one should check their willingness to accept, support or at least take into account the views of his/her partner. He/she should be ready to pay additional expenses to achieve compromise. Love and respect bring about a very high level of confidence and functionality in such a family.

Let us now consider a family with one small but widespread problem, i.e. both spouses' extensive premarital sexual experience. This causes each partner to reasonably suspect that he/she is a permanent object of comparison, not necessarily in their favor. It is even reasonable and acceptable to assume that the spouse's habit of changing partners has not been completely discarded. In addition this assumption (or perhaps the anticipation) does not increase the spouses' esteem of each other. Estimates of expected risks are significantly heightened, while the level of mutual respect and trust is lowered.

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<sup>11</sup> <http://www.JewishPolygamy.blogspot.com>

This family's stability will therefore be shaky. Researchers from the University of Iowa (USA) have shown in a special sociological national study that was conducted on women who were married at least once, that the risk of divorce is significantly higher in women with an early "sexual debut".<sup>12</sup>

In a case where adultery on either side was proven, the family (and even a positive attitude to some degree) can be maintained in the future. However, it is hardly possible to retain trust and respect for each other on any level. If the adulterer is the wife, the situation becomes even more complicated because the fatherhood of the children is in question (especially if genetic paternity testing is prohibited by law, as in modern Germany).<sup>13</sup> Mutual trust is therefore disastrously undermined.

In most families where the identity of the father is uncertain, where there is hostility between the spouses, or where the father figure is simply missing, the child's experience is a negative one. Therefore, no moral standards or supportive behavior exist in these families. The fact that there is an increased risk of a family collapsing where one of the spouses grew up with a single parent has long been well known. In recent decades, this fact is considered to be insignificant for reasons connected with political correctness (because this fact undermines the axiom that a single-parent family can also be normal). However, today there are studies that confirm the obvious. Thus, according to Dutch researchers, parents' divorcing increases the likelihood of their children getting divorced by 27%.<sup>14</sup> There is every reason not to consider this data overestimated: in Holland, for example, doubts regarding the benefits of a fatherless family are, to say the least, not welcomed in the academic community of left extremists. Consequently, the fact that these results were published suggests that they are extremely well based. Similarly dozens of former charges of Russian orphanages left their families and children only a short time after marriage. They calmly refer to their parents as personages who lacked any moral obligation towards them.<sup>15</sup>

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<sup>12</sup> A. Paik et al. Adolescent Sexuality and the Risk of Marital Dissolution. *J. Marriage and Family* **73** (2011) 472-485.

<sup>13</sup> Yanovskiy K., Cherny D., Rusakova E. et al., *Crisis of the Family Institution in the Post-Industrial Society: Analysis of Causes and ways for overcoming* (in Russian), Moscow : IET № 112, 2008., pp. 45-46, 76-77. ISBN 978-5-93255-246-9 [http://www.iep.ru/files/text/working\\_papers/112.pdf](http://www.iep.ru/files/text/working_papers/112.pdf)

<sup>14</sup> M. Kalmijn, P.M. de Graaf & A.R. Poortman. "Interactions between cultural and economic determinants of divorce in The Netherlands." *J. Marriage and Family* **66** (2004) 75-89.

<sup>15</sup> S. M. Kulyanov, president of the "Priyut Detstva" Orphanage. Interview given to M.Yanovsky, February 10<sup>th</sup>, 2007, not published.

## ***6. The State's Attempts to Solve Social Problems***

### **6.1 A Bit of History: The 19th Century**

Rapid urbanization in the mid-to late 19<sup>th</sup> century was already leading to the family crisis (nowadays a bit forgotten), with many features we recognize today: the decline of morals, weakening of family ties, abandonment of elderly parents, etc. Then, the crisis arose in families that were feeble in all respects. They were so morally weak that when they were separated from the usual public control (i.e. neighbors and religious community), they became rapidly and visibly demoralized: the problem of poverty, according to the social scientists of that time, could be explained to a great degree by drunkenness, gambling and spending money on prostitution.

Journalists and social scientists had already advocated the need for adopting national measures to address private problems. Those who subsequently began running social protection programs naturally became very fond of this idea.

The first step was the introduction of pensions (given that children in troubled families did not always rush to help their elderly parents). Although in most families children continued to take care of their parents, European governments (first Germany, then France and Britain) began implementing a program which today is pompously called by modern leftist as "social solidarity". In other words, the younger, employable generation, by paying more taxes, shows a forced solidarity with the senior, non-employable generation.

Milton Friedman, a leading economist of the 20<sup>th</sup> century, wrote:

*"... Such a transfer has occurred throughout history—the young supporting their parents, or other relatives, in old age.<sup>16</sup> Indeed, in many poor countries with high infant death rates... the desire to assure oneself of progeny who can provide support in old age is a major reason for high birth rates and large families... Moral responsibility is an individual matter, not a social matter. Children helped their parents out of love or duty. They now contribute to the support of someone else's parents out of compulsion and fear. The earlier*

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<sup>16</sup> Note that the voluntary reallocation of resources from children to elderly parents characterizes a civilized society. During the "golden age" of the primitive freedom, children often killed their parents in order not to feed them. Eskimos' practice of leaving the elderly to die of hunger and cold during tribe migrations existed until very recently. See, for example. The Russian Universal Encyclopedia, Brockhaus and Efron, "Killing the Elderly and Children." (in Russian)

<http://gatchina3000.ru/brockhaus-and-efron-encyclopedic-dictionary/103/103830.htm>

*transfers strengthened the bonds of the family; the compulsory transfers weaken them.*"<sup>17</sup>

Thus, a step toward undermining the incentives for giving birth has been made over a hundred years ago.

## **6.2 More History: The 20th Century**

Analysis shows<sup>18</sup> that in most industrialized countries, the end of the 1960's - mid 1970's became a period of state expansion in the sphere of family law as well as years of increased negative socio-demographic trends (such as fertility decline and increase in the proportion of broken marriages.) This coincidence raises the question about whether there is a connection between the new rules regulating family life and the latest waves of fertility decline and increasing instability of family ties. We will discuss briefly the impact of three areas of public policy on family and fertility: the protection of women's rights during divorce, protection of women and children from domestic violence and benefits for children.

### *6.2.1. Protecting the Rights of Women on Divorce*

As noted above, economic factors also affect family relationships. Therefore, when a man is forced to accept financial obligations fixed by the state, he is offered the role of a "second class parent" instead of the traditional role of head of the family; his natural reaction in many cases is to avoid getting married altogether. Indeed, the benefit of having a lawful wife and children (someday to become heirs) is artificially devalued by the State (first and foremost by forced pension plans). The price one has to pay in case of an unsuccessful attempt to start a family remains high.<sup>19</sup> The state has done almost everything to enable any woman to take away their children from her ex-husband and obligate him to pay child support (this "law enforcement" practice actually incites a wife against her husband, assuring her support in any future conflict). Since very few men get married in a state of euphoria (i.e. they think about their monetary obligations in the

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<sup>17</sup> M. Friedman and R. Friedman. *Free to Choose*, 1980.

[http://www.vietnamica.net/op/wp-content/uploads/2010/09/Free\\_To\\_Choose\\_Friedman.pdf](http://www.vietnamica.net/op/wp-content/uploads/2010/09/Free_To_Choose_Friedman.pdf)

<sup>18</sup> K. Yanovskiy et al., *Crisis of the Family Institution in the Post-Industrial Society* (Ref. 13) Ch. 3.

<sup>19</sup> The probability of divorce is about 33% in Israel and 50-60% in other developed countries with similar legal systems.

event of divorce), they avoid getting married altogether, which causes more and more women to remain single.

### *6.2.2. Protecting Women and Children from Domestic Violence*

The government's fight to protect children from family violence, as it were, coupled with inciting children against their parents (including classes in which children are taught in what situations and how to inform on parents to the police), create strong incentives against child-bearing. It is no accident that in the U.S. there is a significant correlation between an increase in the number of government "child protectors" and reduced fertility.<sup>20</sup> In this respect, the presumption of innocence principle, which was never formally repealed, is virtually ignored (as in cases of sexual harassment and rape). The explanation given is that if we assume presumption of innocence in these kinds of cases, it would be impossible to really prove anything. The fact that the judicial system objectively should not be involved with this case is ignored, because the woman and the child must be "protected" and the end justifies any means. Law enforcement agencies tend to interpret any use of parental force as violence; the difference between spanking and brutal beating is blurred. Although this is simply awful, children, objectively, can unwillingly instigate criminal persecution against their parents. Sometimes it is enough for a child to blurt out to a friend (even if he just said it just for the sake of a witticism) that his parents "taught him a lesson" for the parents to be thrown into the bullpen. As part of the fight against domestic violence, mutual denunciations are also encouraged. As one police investigator said in a private conversation, according to the accepted interpretation of the law in Israel, a person must inform the police or a social service about any (!) child's cry heard from the neighbor's window. Thank God, this Kafkaian norm is far from being actually practiced but one still has to be wary of the neighbors.

It is also important to note that concerning the protection of children's rights rhetoric, we are in fact talking about nationalizing them (the idea, is by no means new: it was proposed by Plato). For example, the European Court of Human Rights ruled that the state has priority over parents in determining what is good for the child's education.<sup>21</sup> As we have already mentioned, full nationalization is a long way off but the trend is already frightening.

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<sup>20</sup> K. Yanovskiy et al., *Crisis of the Family institution in the Post-Industrial Society* (Ref. 13) pp. 58-62.

<sup>21</sup> Application no. 35504/03 by Fritz Konrad and others against Germany, 11 September 2006.

### 6.2.3. *Benefits for children*

In the past fifty years, numerous attempts to stimulate the birth rate by providing child benefits have failed. In single-parent families, children are often simply not born. Benefits and allowances for a single woman partly compensate the lack of male support; however, it is not enough for her to decide to give birth to a second or third child without a husband. This is possible, as a general rule, only in an intact family. Therefore, only a solid majority of stable two-parent families stimulates a natural population growth.

Benefits created a new "business" in those families which can hardly be called part of the loyal, law-abiding population. Simple examples demonstrate that the benefits (for example benefits allotted by the United Nations and the Israeli government) can very effectively increase the birth rate in the poor, lower echelons of the population that do not invest effort and resources in the development of their children.<sup>22</sup> In such circumstances, procreation becomes a profitable business, because it allows parents to live by appropriating most of the funds intended for their children.

It is obvious that in families where the parents are seriously involved in their children's lives (through parenting, education and medical treatment), no reasonable amount of benefits will be able to compensate for the parents' expenses. This means that the decision to give birth or not to give birth depends on cultural, religious and moral motivations. In the above mentioned families, benefits only influence the parents to have children sooner than they otherwise would have had. In other words, this change slows down the population decline rate, but does not change the overall trend.<sup>23</sup>

## **6.3 Israel: The Family in Danger**

Israel aligns with other countries that are undergoing a "natural" population loss through a common feature: the intrusion of social services and the police into the private life of its citizens under the pretext of child protection. As a result of these intrusions, individual rights and privacy (and the very principle of presumption of innocence) is often grossly ignored by the state, which believes that "the end justified the means."

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<sup>22</sup> K. Yanovskiy et al. *Crisis of the Family Institution in the Post-Industrial Society* (Ref. 13), sect. 4.2.

<sup>23</sup> See for example studies conducted in Australia. Leonora Risse "Does Maternity Leave Encourage Higher Birth Rates? An Analysis of the Australian Labour Force".  
<http://www.business.curtin.edu.au/files/210risse.pdf>

In our country, the disease has not yet reached the same level of severity as in European countries and in Russia, where it seems that the population will continue collapsing, even if the policy rapidly changes from being an actual to an ideal one. Israel is one of the few industrialized countries in which the fertility rate, even among the loyal, law-abiding citizens, exceeds the mortality rate. Moreover, in the last ten years, this indicator has even been growing. However, there are a number of signs that forebode a possible break in this positive trend: a rise in the divorce rate, decrease in the proportion of married couples, and "aging" at the time of marriage. Therefore, this is the time to examine the disastrous experience of the "advanced" (in this respect) countries, to stop sliding into an abyss and choose a more sensible route.

## ***7. Conclusion: What Can Be Done?***

The family crisis has consequences which are not only demographic but economic and political as well. This predicament leads to a blurring of important components of human relationships: people's ability to cooperate in a framework of agreements, economic and political competition, and political compromises. It causes a deficit in the working-age population and, thereby prevents the economy from developing and society from functioning.

To prevent further collapse of the family with all the subsequent consequences, we need to take responsibility for our own families. More specifically, we must:

- prohibit the government from interfering in our domestic affairs, except in classical criminal or civil law cases;
- transfer social services into the third sector (charitable non-governmental organizations) and private sector.

If these changes are made, children will no longer be a risk factor for parents. Spouses' incentives will change in both high income and low income families. While incentives for cooperation will increase, the hostile, "fight to the last" attitude will weaken. Women will no longer have the opportunity of robbing their husbands, taking away his children and using them to blackmail him, and will treat their spouses with respect. Equal rights for children will provide additional incentives to avoid divorce because in the event of divorce, each parent will to an equal degree have to ask the

permission of their “former half” to arrange a meeting with the child. Such a prospect will cause the spouses (as well as the former spouses) to be more respectful towards each other, and, in many cases, prevent divorce altogether. In addition, people who are really capable of taking care of other people's children will continue doing so, but only when asked. All of society will benefit from these changes.

Restraining the state’s infringement into our private (and especially our intimate) life is not only critical for demographic, economic and political reasons, but for reasons of morality as well. The government’s incitement of wives against their husbands and children against their parents, as well as the state’s encouragement of denunciations among neighbors, should not and cannot be tolerated. This onslaught of the government has to be stopped, even if society has to pay a hefty price instead of benefiting from the apparent and significant profits. After all, what is at stake here is the possibility of preserving an atmosphere in which a decent man can live a civilized life.