

## Libertarianism and the Falklands' war

By Stephen Berry & David McDonagh

There is an essentially superficial form of criticism which picks upon unusual aspects of people's personal habits in order to influence what we think about the policies they propose or represent. We had been led to believe that in America this trait was the prerogative of the statist press. A series of articles in *Libertarian Forum* on the Falkland Islands crisis shows that, when it comes to wallowing in trivia of this kind, Rothbard and Co. are able to compete with the very best.

Much of the series is devoted to 'humorous' asides mainly at the expense of the Falklanders. We give just one example: "They (the Falklanders) could settle in the marshes of East Anglia, where they could enjoy bad weather, the wind whipping across the North Sea, could go up to their knees in some marshes, and live out their days eating authentic British food and hanging out in authentic British pubs. Surely a simpler and less costly solution all around."

Now, if the articles in *Libertarian Forum* had continuously maintained this level of analysis, we should have known we were dealing with material fit for a rather average high school sketch which might find an appreciative audience - say in Buenos Aires. In fact, as one reads, arguments do appear, arguments which suggest that the above extract should be taken to mean what it says. And therein lies the rub.

The removal of the Falklanders to East Anglia would undoubtedly be a simpler and less costly solution all around. The removal of all Israelis to New York would also be a relatively simple and cheap solution to the Middle East problem. The question remains however; if a solution to a problem is cheap and simple, should this mean that the solution is preferable to other more costly ones? The problem is serious, and Rothbard's chatter about 'the Falklands Caper' tends to obscure the fact that this crisis is absolutely

typical of inter-state rivalries and demands that libertarians face issues that will occur again and again in the future.

The first point of course is whether libertarians should take sides at all in a dispute between nation states. Rothbard's article is ambivalent here. Although clearly sympathetic to Argentina and very unsympathetic to Britain, no firm statement is made that what the Argentinians did was right. Rothbard describes the problem so:-

"For all governments by virtue of their existence are 'aggressors' whereas not all individuals are criminals or aggressors. The British government day by day aggressed against their Falklands subjects. But if all parties are aggressors and criminals, the self-righteous moralising so beloved by British and U.S. imperialists is peculiarly out of place. If all the nation states are aggressors, the best any nation can do - the best for the cause of liberty and the avoidance of mass murder - is to stay out of the fray. Neutrality, not 'collective security', becomes the crucial libertarian watchword for international relations".

There are two comments worth making here. Firstly, the fact that all governments aggress against their own subjects should not disguise the fact that some governments have had a tendency to aggress against the subjects of other governments as well. Whereas such countries as Sweden and Switzerland have been remarkably unaggressive in the last 200 years, other countries have pursued expansionist foreign policies based upon such ideologies as "the White Man's Burden" or demands for "Lebensraum". Libertarians can condemn these ideologies and the states who execute them. To say that the unprovoked German invasion of the Soviet Union in 1941 was wrong and that the Russians had a right to defend themselves is not to implicitly become a propagandist for the taxation and conscription of Russians. It does recognise that Russians would defend themselves with the institutions which were available to them in 1941.

Secondly, Rothbard asserts that neutrality is better than collective security when it comes to preserving liberty and avoiding mass murder. But this is not self-evident. In a libertarian America it might well be that a group of defence agencies might wish to pool their resources to ensure the "collective security" of their clients against an outside aggressor. Nor would there be anything inherently unlibertarian about this. Nor is neutrality obviously the best policy in today's world. At the moment it is clear that the interests of the Swedes are best served by remaining neutral. But this could change. In the event that the Russians were to intervene more in the affairs of Finland, the Swedes might well feel more secure within NATO.

Belgium has been a consistently neutral state. This has not prevented it from being consistently one of the major battlefields of Europe. Neutrality depends upon agreement and only makes sense if other nations are likely to perceive the would-be neutral nation as in fact neutral. (small states strategically placed between other states rarely achieve this status). Neutrality versus Collective Security is an issue which should be judged on a case by case basis - exactly the same empirical test which Rothbard correctly demands with respect to the rights and wrongs of inter-state disputes. In any case, it needs to be stressed that this is an issue which libertarians think should be decided by the market. Defence agencies will offer various packages which may or may not include "neutrality". As with other goods, *caveat emptor* (buyer beware) should be the watchword for the client!

"Moreover, the simple use of the concept of aggression every time one nation-state attacks another implicitly assumes that each nation-state has just title to its current status quo boundaries. But why so? For after all (1) no nation-state has legitimate title to any territory; and (2) even apart from that, why should any *status quo* boundary be more just than any other, past or future?"

Rothbard should have closed down at this point, but he could not resist the chance to back the Argentinian claim even if it meant contradicting what he had just said! In the very next paragraph he states, "Argentina's claims moreover, is strengthened and

Britain's weakened by considering the simple fact that the Falklands/Malvinas are only a few hundred miles off Argentinian shores, whereas Britain is 8,000 miles away."

But, if "no nation-state has a legitimate title to any territory" how is it possible for the Argentinian claim to be strengthened? Further, by what standard, libertarian or any other, should distance be in the least bit significant when it comes to ascertaining property rights? One of the authors has recently bought a holiday home in Spain. He would be most annoyed if it were asserted that his claim to the flat is weakened because he lives a few thousand miles away.

The question as to the attitude of libertarians towards nation-state disputes is never satisfactorily resolved in *Libertarian Forum*. Does one wash one's hands of the whole 'dirty' business and refuse to take sides? This has the advantage of being theoretically consistent and the disadvantage of not saying much about the present world. Or does one take sides upon the basis of which state has the case which conforms most closely to libertarian principles?

This inevitably means, in the present world, supporting a cause which will contain non-libertarian elements. The individual must then judge where the trade-off between what is demanded and what is libertarian becomes too difficult to balance.

Perhaps the critical issue for libertarians in the Falklands dispute was of course the question of property rights. An article in *Libertarian Forum* - "The Historical Claims to the Falklands" - maintains that the Argentinian claim is justified after "the act of naked aggression by which Great Britain ousted the Argentines and gained its rule over the Falkland Islands". This article, based upon a book by "a crusty Old Right legal historian", Julius Goebel, Jr. attempts however to settle contentious points by assertion.

(1) "In 1774, the British fulfilled their unpublicised agreement with Spain, and abandoned the Falklands." The British maintain that they left the Falklands but took care to leave a plaque asserting property rights.

(ii) ". . . the British recognised the Spanish right to the Falklands at the Convention of Noatka Sound in 1790". But article III of the Noatka Sound Convention is the bone of contention. The British maintain that it does not concede sovereignty. It did allow for the setting up of huts on the Falklands for British fishermen. By granting Louis Vernet a monopoly of the fisheries in the Falklands, Argentina was certainly breaking this agreement.

(iii) The article does not explain the "Vernet incident" and the question of the USA very satisfactorily. It was precisely because the USA saw the Falklands as *terra nullius* (unclaimed land) that the actions of the Argentine 'governor' Vernet were seen as piracy. If Argentina had no valid claim on the Falklands, the seizure of three American sealing ships would indeed have been piracy. The question as to whether Vernet's ships were to be seen as flying the Argentinian flag or the "Jolly Roger" depends entirely upon who owned the waters around the Falklands. It is also perfectly logical that the Americans would pay no indemnity to the Argentinians unless the question of sovereignty was cleared up.

If the position in libertarian law is murky, the statement "by international law, the Argentine claims are far superior to the British" is simply not true. British claims are in fact strengthened. International law is, of course, not libertarian law, but two points are significant.

(a) The 'doctrine of prescription' states that an uninterrupted peaceful occupation over a period of time might establish sovereignty, whatever the rights and wrongs of the initial occupation. By this, the fact that the British had held the Islands for 150 years does count for something.

(b) The 'doctrine of self-determination' as enshrined in the UN Charter is a factor which would count in Britain's favour in today's international law.

"And what the blazes are the Brits doing there anyway?" asks the exasperated Rothbard. What the blazes is anyone doing anywhere in this world? The present distribution of people in the world is the result of conquest, migration and settlement. There are almost certainly no exceptions. That applies to the Falklands and of course to Argentina which did not always have a

population dominated by Italians who speak Spanish. Indeed the fury with which Rothbard assails the Falklands seems out of all proportion. The Falklands Islanders have oppressed and exploited the natives of the Americas to a lesser degree than any of the existing European groups. Why then should they come in for special treatment?

Rothbard is unhappy with the self-determination argument and not without good reason. A 'natural rights anarcho-capitalist' like Rothbard holds that nations are not legitimate and therefore that the right to national self-determination is rather like the right to belong to the criminal organisation of your choosing. Even a 'limited statist' should have strictures about national self-determination. The principle of letting people determine to which nation they wish to belong and what goes on within that nation should be dealt with carefully. This principle, if logically extended, allows for discrimination against minority groups within a country, if that is nationally self-determined. This is clearly not consistent with libertarian principles. Yet there is a narrow sense in which self-determination can be supported.

If an island were to be discovered off the coast of Nigeria and the inhabitants of the island clearly stated that they wished to belong to Hungary in preference to Nigeria or independence, should a libertarian have any objection? If the issue is not national self-determination versus anarchism, rather competing claims between national groups, should not the solution which is in accordance with the wishes of the people concerned prevail? Certainly, if history says anything, it tells us it is essential for the avoidance of bloodshed that their wishes should prevail.

At all events, even in the present world, it is not axiomatic that islands belong to the nearest land mass. The population of the Channel Islands is culturally linked to Britain, geographically however, nearer France. The population of Cyprus is over eighty per cent Greek, the island however, closer to Turkey. To us it would seem both unjust and dangerous that these islands should belong to either France or Turkey, against the wishes of the inhabitants.

". . . (L)et the British, suddenly so suffused with the love of 'national self-determination', grant independence to the Falklanders and pull the hell out, leaving the stubborn kelpers to their own devices. If they want 'national self-determination', then they should be granted such, and let them take the consequences".

Here we have a mistake about the nature of self-determination. The Falklanders have determined that they wish to remain British. They do not want independence, perhaps not fancying their chances against the Argentinians. Given the anti-colonialist fetish in the world at the moment it would probably be better if the Falklands ceased to be a 'colony' and were fully integrated into the United Kingdom. That would of course change little of substance on the Falklands. It would however, save appearances - which are, rightly or wrongly of significance in the world.

"Even the self-determination' argument is not so clear as one might think. For one thing, the British Falkland government has been forcibly keeping out Argentine scrap dealers who wish to emigrate to that lovely rock."

The point here, and it has been crucially/significant in the twentieth century, is that immigration and emigration have become instruments of nation-states. If the Argentinians are so territory-conscious that they send women specially to Antarctica to give birth - and so lay claim to the land there - can it be wondered that the Falklanders are wary of future pressure resulting from Argentinians on the islands?

Although the major issues were property rights and national self-determination, a number of minor points need to be covered, if only to counter their perversely anti-British/Falklander bias.

Taxation: "For why should the British taxpayer be forced to pay for this nonsense; for the maintenance of this god awful rock, for the fleet and the munitions to go to defend it, etc?" (i) The British taxpayers must pay for much nonsense, but, at the risk of having them labelled war-crazed, it would seem that they supported the war fairly solidly. If the South Atlantic Fund is any

example, it may well be that the war could have been voluntarily financed. (ii) The Argentinians were also forced to finance this war. They were therefore equally 'imposed upon' as the British.

Second-Class Citizens: "For example, the kelpers are not British citizens since they are not allowed to emigrate to Great Britain unless their parents or their paternal grandfathers were born there." But over half of the islanders can fulfil that condition and indeed all now have the right to emigrate to Britain. After the war ended some British politicians have suggested that they become full British subjects. Will the Falklanders agree? One result of their second-class status is that they do not have to pay British taxes! If this is second-class status then there are a few libertarians who might be applying for it in the near future.

"Fascinating Data": Under this we get the following:- "In Stanley furthermore, vandalism abounds among the bored and discontented youth. Since there are few single women, 'Young men habitually drowned their sorrows and their frustrations in the five busy pubs'. Alcoholism is an 'urban' kelper problem". So unlike other parts of the world (New York?) where there is no bored and discontented youth, where the boys all get the girls and never have to drown their sorrows in alcohol, dope, cocaine, smack, etc etc!

"Insane Disproportionality"; Thus is the war described by *Libertarian Forum* But "disproportionality" is always the case with conflict, especially if the issues are perceived narrowly. The Second World War was out of all proportion to the issue of which flag should fly over Danzig. "Disproportionality" is also the striking fact about private citizens who go to court, often forking out thousands, in order to settle civil disputes. People do not enjoy financing wars or being killed. That does not mean to say there are no worse fates.

Rothbard has let himself be taken in by the anti-imperialist paradigm and has ignored its ironic nature. The people in Argentina don't want to go and live on the Falklands but merely to celebrate a fresh colony and as such it seems obvious that they are more

*The Libertarian Alliance is an independent, non-party group, with a shared desire to work for a free society.*

imperialist than the islanders - albeit verbally more anti-imperialist.

The results of the war are clear. A coherent, effectively self-governing community which presented a threat to no-one, has had its way of life destroyed for ever. That this way of life was not chic enough for the 'smart set' in *Libertarian Forum* does not change the fact there is no matter for great rejoicing. This fact will be peculiarly apparent to the Falklanders as they tread delicately around Argentinian mines for the next twenty or so years.