

Alaskan Courtesy

by Scott McPherson

Alaska is most often thought of as simply a snow-covered tundra far to our north. Rarely do Americans find themselves looking to that Arctic wilderness for reason to celebrate a renewed sense of personal freedom. But that all changed when a state appeals court overturned a lower court decision to suspend a man's concealed handgun permit because someone said he was "crazy."

The case began in 1998, when Timothy Wagner, a concealed-carry permit holder, went into the Alaska Mining and Diving store in Anchorage and told a clerk that a computer chip had been implanted in his head. Responding to this "public safety threat," the state decided that Mr. Wagner was mentally ill and revoked his license. Naturally, the gun-control crowd was delighted, while the National Rifle Association (NRA) decided to fight the case in court. "We wanted to remove the potential for arbitrary and capricious decision-making on the part of the issuing agency," said Brian Judy, the NRA's Alaska liaison.*

Since the carry law was passed in 1995, the Alaska Department of Public Safety has issued over 18,000 permits. Under the law the state must issue a permit if an applicant answers a series of questions appropriately, such as whether he has been convicted of a felony. In 1998 an amendment removed the

question pertaining to treatment for "mental illness" in the preceding five years; the application still requires disclosure of mental hospitalization or a finding of mental incompetence by a court.

So the law on this matter was clear. Mr. Wagner had not been deemed mentally incompetent or committed to a mental hospital. The court had no other choice but to restore to Mr. Wagner his right to keep *and bear* arms.

Of course, not everyone is celebrating this decision. Nancy Hwa, a spokeswoman for the Brady Campaign (formerly Handgun Control Inc.), laments that the court is "taking away the discretion of local law enforcement to make these decisions in the best interest of public safety." Clearly Ms. Hwa's knowledge of history is a little shaky. Under Jim Crow, local law enforcement had the discretion of making decisions in the best interest of public safety when it denied southern blacks the right to, among other things, vote, peaceably assemble, and, of course, own guns. (This was the origin of gun control in America.) In a modern-day version, the Brady Campaign wants another category of citizens deemed unfit to exercise basic constitutional rights—anyone who says something weird while in possession of a firearm.

Beyond the issues of state law, law-

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*Mary Pemberton, "Alaska Court: Mentally ill can keep concealed weapons," Associated Press, January 11, 2002. All quotes are from this report.

enforcement prerogatives, and absurd statements made by conspiracy theorists, there is a much larger point to be made here. The NRA did not challenge the basic issue of “mental competence” that was used to target Mr. Wagner. Only the most consistent libertarians contend that a law-abiding person declared “insane” should be free to own, and carry, a firearm. Nevertheless, that is precisely what needs to be addressed if another avenue toward regulating the Second Amendment out of existence is to be truly closed.

Mental illness is a highly subjective term. (See Thomas Szasz, “Mental Illness: Psychiatry’s Phlogiston,” *Ideas on Liberty*, November 2001.) It is obvious that the state’s ability to obstruct rights based on one’s unpopular, erratic, or seemingly irrational statements alone would be a truly arbitrary power. In discussing this topic, gun controllers evoke a general stereotype of a disturbed old man with a gun, when the truth is that a variety of behaviors have been labeled symptoms of “mental illness.” Homeschoolers, unschoolers, libertarians, constitutionalists, Islamic fundamentalists, feminists, abolitionists, runaway slaves, and *gun owners*, to name a few, have all at one time or another had their sanity questioned by their fellow citizens.

Leave Them Alone

The only role for government regarding “disturbed” persons is to leave them alone,

until they violate the rights of another. The purpose of government is to protect people’s rights; it should ensure that everyone who wants to have a gun is free to obtain one, not twist itself into semantic contortions in an attempt to justify denying this right.

The only way we can know for sure that a person is indeed dangerous is when he commits an act of aggression or expressly threatens to do so. Until such time, he should be as free as anyone to exercise his rights. After that point, he should be incarcerated, and the question of his having or carrying a firearm becomes moot. If people are concerned that such a policy might place them in the company of sordid characters with guns, then they should be reminded that the measure of a free society is the lengths to which its citizens tolerate what makes them uncomfortable.

“Alaska seems more likely than many states to allow mentally ill people to carry guns in public,” said Luis Tolley, state legislative director for the Brady Campaign, in response to the court’s decision. “By establishing such a narrow definition, that is allowing an awful lot of people who are mentally ill to carry guns in public.” If saying something silly is the criterion for being rendered unfit for freedom, then the machinery of state is not large enough to accommodate the number of people who belong under supervision. The Alaskan appeals court saw straight through that fallacy and decided to err on the side of liberty. □



Economic Reasoning

Progress in economic reasoning largely consists in picking our way through a mine field of possible errors. In economics, as

Ludwig von Mises once said to me in conversation, the truth lies along a knife-edge.

—HENRY HAZLITT

Parasite Economics

by David M. Levy and Sandra J. Peart

Contemporary anti-market voices characterize market economies as “parasitic” and traders as “parasites”: “Experience has shown that capitalism is the real source of basic evils in society. . . . Social parasites suddenly emerged with billions. Thus, it became clear to all that U.S. capitalism was a big trap and suicide. As a result, the majority of people in eastern Europe went back to fighting capitalism and advocating socialism.”¹

Those who are sympathetic with the proposition that capitalism creates “victims” and who, with Nobel laureate Dario Fo and others, assign blame for the September 11 massacre on American participants in markets, might do well to consider the intellectual history and the analytical presuppositions of “parasite” economics.

The characterization of markets and those who participate in market transactions as parasites has a long and misunderstood history. In the mid-nineteenth century Thomas Carlyle used this logic to defend the Reign of Terror: “Mammon, cries the generous heart out of all ages and countries, is the basest of known Gods, even of known Devils. In him what glory is there, that ye should worship

him? No glory discernible; not even terror: at best, detestability, ill-matched with despicability.”²

No, this is not the ranting of those responsible for the September 11 murders, though absent the difference in prose, it might have been. Instead, Carlyle drew this unfavorable comparison of markets with the hierarchy established by the Reign of Terror in his *French Revolution*. It was also Carlyle who in 1849 gave to economics the name of the “dismal science” for its role in emancipating black people from their white masters wielding “beneficent whips” into the self-direction of markets.

Even earlier, in *Sartor Resartus*, Carlyle contributed the concept of consumer sovereignty, which for him is despicable: “whoso has sixpence is Sovereign (to the length of sixpence) over all men; commands Cooks to feed him, Philosophers to teach him, Kings to mount guard over him,—to the length of sixpence.”³

Carlyle and his followers not only attacked markets and defended racial slavery, but his vision of the ruling race also helped deny the right to self-government for the Irish. How could a race of parasites—cannibalism is Carlyle’s term for the Irish condition in Ireland—rule themselves? In the images produced by Carlyle’s friends (reproduced at www.econlib.org) it is all too easy to see the Irish parasite as noxious insects feeding on Ireland. It’s obvious what one does to such parasites.

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