

Lessons we can draw from *Mad Max*

Alan Moran

M*ad Max* and its sequels are some of the most popular films ever set in Australia. While its central theme showed a brooding Mel Gibson making his way in a post-nuclear holocaust world, a sub-theme was the primitive island of brutal civilisation, Bartertown, governed by Tina Turner. Savage though her regime was, she, like all the people in the town, was subject to the rule of law and unable to countermand its dictates when outcomes did not meet her expectations. The fact that an enforced legal framework was in place allowed the creation of the relative prosperity and improved personal safety that characterised Bartertown.

This theme of the rule of law is also played out in a modern Western series, *Deadwood*. Available only on DVD in Australia (and due to its uncouth language and sexual crudity unlikely to be taken up by a network), *Deadwood* portrays the half-apocryphal development of a North American mining town established illegally inside Indian Territory and outside the jurisdiction of the formal law. The various characters nonetheless adopt pretty much the civilised world's legal systems, property rights (the dispossessed Indians do not count, though the Chinese underclass certainly shares them) and trading arrangements.

Like Bartertown, *Deadwood* eventually thrives and the shady deals, even murders, that characterise its foundation weeks are swamped by a legal code that is rigorously enforced. Property rights, in particular, are held as sacrosanct and theft is severely

punished. Mining claims are recorded and the records assigned the full respect of property rights in the outside world. Street frontages are seized as individually owned properties on a finders-keepers basis before they assume much value. Having been embryonically developed, they may only be rented or bought and further developed by mutual agreement.

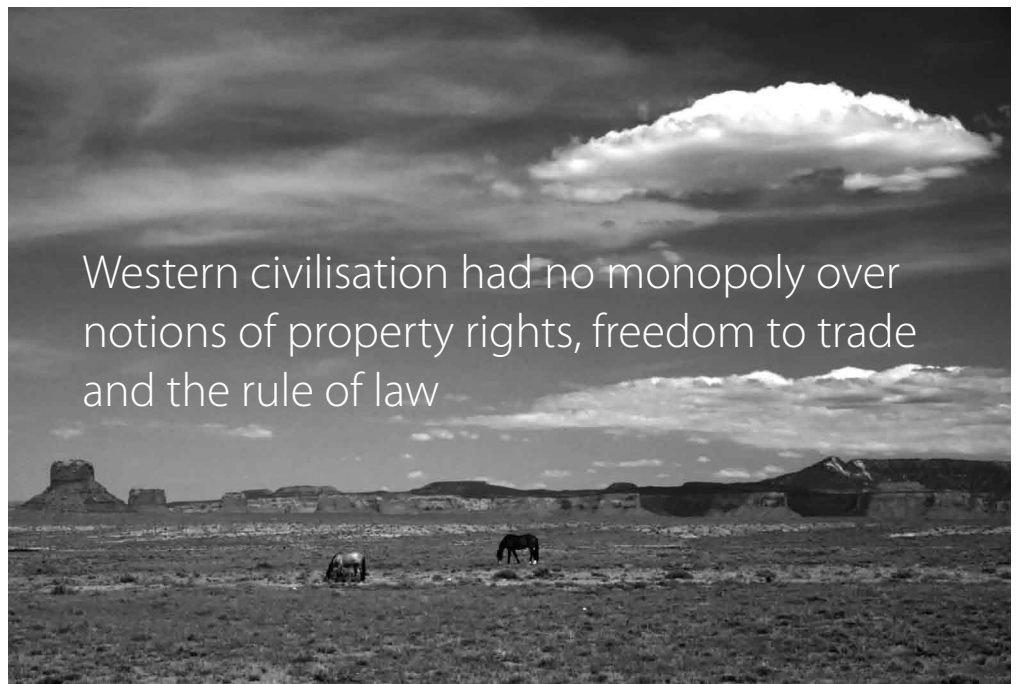
In *The not so Wild, Wild West*, Terry Anderson and Peter Hill trace the development of the nineteenth-century West. Their research demonstrates that the yarns spun in *Deadwood* are factually based. Contrary to popular myth, the Western frontier was not lawless—major crime rates were below those of the settled east. Miners developed rules and lodged claims that were respected; cattlemen registered and mutually protected individual ownership of land and strictly respected ownership of other people's steers which had wandered on to their own land. Western aridity led

to a new means of establishing rights to water. The relative abundance of water in the east meant that English common law allowing unlimited usage by those over whose land a river flowed was not efficient. Hence the notion of 'prior-appropriation', a form of finders-keepers, was developed with regard to the use of water.

Western civilisation clearly had no monopoly over notions of property rights, freedom to trade and the rule of law, the features that have been the well-spring of prosperity.

In the case of the Red Indians, where resources were other than abundant, Anderson and Hill note that property was held in common (as opposed to there being an absence of property rights). This prevented the 'Tragedy of the Commons' under which land

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would be worked or hunted to exhaustion. Indians had individual property rights too, especially over horses as well as over their homes and tepees.

Similarly, other peoples beyond the crucible of Western civilisation held individually enforced property rights. In *White Gold: The Extraordinary Story of Thomas Pellow and Islam's One Million White Slaves*, Giles Milton recounts how, in Islamic countries, property rights were also respected—even over newly captured slaves that had been shipwrecked on a North African coast far from their captors' home. The Arab countries in North Africa and even more so the nations to the East—Per-

Such explanations are interesting but at best only partial. It seems more likely that the inadequate protection of property rights and the pre-eminence of a feudal or bureaucratic elite might be more persuasive. In modern Latin America, Hernando de Soto has pointed to the vast bureaucratic machinery necessary to negotiate in order to register a small business, that typically 15 per cent of income would be bribes and that the legal system is sporadic in its protection of property rights.

One answer is that it took a long time, but there is a gradual wearing away of cultural differences that act as impediments to the adoption of the

tralian Aborigines, Red Indians, Eskimos. Institutional measures designed by *bien pensants* to protect them from exploitation and preserve some romanticised view of their pre-European life may have also retarded the process.

On this view, we can also hope for the erosion of the madness and rejection of freedom that currently characterises many Islamic states and many Islamicists within Australia and other Western countries. And encouraging signs are evident in the economic development of Malaysia and prospectively Indonesia, as well as, more spectacularly, in some of the Gulf States such as Oman and the Emirates.

But before we get carried away in the euphoria of optimism, we should also be aware that there are strong and apparently very attractive features of those societies that ostensibly reject Western values. The most worrisome of these are promoters of Islam who have shown a capability to use capitalism against itself and produced men and women of far greater dedication to pursue the goal of destroying their enemies than the citizens who enjoyed liberty in the ancient and modern worlds. In this respect, it is noteworthy that Hanson's book, with its triumphal air, was published a year before 9/11.

And yet another dose of reality. Although capitalism means peaceful interaction and a search for mutual value, it has not proved an antidote to vicious conflict. Capitalist institutions are capable of elevating to power people of great malevolence—Hitler being the worst but many lesser examples can be found closer to home. Even without such near psychopaths, World War I provides an example of mutually agreed destruction by nations which had developed capitalist institutions, were engaged in considerable mutually beneficial trade, and in most cases enjoyed forms of democracy.

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sia, India, China and Japan—had evolved levels of civilisation that could not have been achieved and sustained without some acceptance of property protected from arbitrary seizure.

Why then was the West so successful in achieving uniquely high and near universal levels of prosperity? David Hanson (*Why the West has Won*) puts it down to freedom and citizenry, first epitomised by the 10,000 Greek mercenaries who, 2,300 years ago fought for the Persian pretender and, having won, then had to fight their way victoriously home. He illustrates why Rome could never have been beaten by Carthage, in spite of the brilliance of Hannibal, because Rome had a citizenry who would voluntarily fight for their nation while Carthage was ruled by a Phoenician elite from which the mass of its population and subjects were alienated. He points to countless examples of tiny European armies prevailing over vast masses of opposing troops, not all of whom had grossly inferior weapons.

Western philosophical diaspora with its more efficient means of capitalist property rights and capitalist accumulation protected by the law. The way forward was shown first by Japan and then by the early Asian tigers: Singapore, Hong Kong, Taiwan and Korea. Fifty years ago, all four Asian tigers were among the poorest countries in the world, but they now share developed country living standards. In some areas, that perversion of western capitalism, socialism, greatly delayed the adoption of individualism on which wealth can be accumulated. Certainly in India and China (which was, of course, foreign dominated rather than imperially annexed) it has only been the abandonment of socialism that has unleashed the wealth-creating process that comes with relative freedom to trade and strong property rights.

This adoption of capitalist notions may have been delayed markedly in those communities that were the most isolated and least sophisticated—Aus-