

A Libertarian Literary Lawyer

Allen Mendenhall

I was raised in a conservative family in a town with conservative values and attended local public schools. My church—I grew up Southern Baptist—supplemented my education. Too young to vote in the 2000 election that pitted Al Gore against George W. Bush, I watched as my friends, at 18, cast their first ballots. Although I leaned Republican at the time, mostly because my parents did, curiosity drove me to explore new ideas and open my mind to different ways of viewing the world.

Ever the romantic, I followed my high school girlfriend to Furman University. My first day of college was 9/11. I remember walking back from Philosophy 101—my first experience in a college classroom—only to watch big commercial planes striking the World Trade Center and people jumping from the buildings to their deaths. Politics took on a rare intensity then. My peers fell into a patriotic zeal that seemed irrational. The hallways of our dorms were lined with American flags and images of George W. Bush; fraternities held militant rallies and called for retaliatory

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blood. With few exceptions, my friends celebrated the military invasion of Iraq, which I opposed.

If students opposed the Iraq War, they had to be quiet about it to remain socially acceptable. My professors, however, almost uniformly opposed the war. Talking to them about my opinion on American foreign policy felt safe. They generally agreed with me and made me feel comfortable sharing ideas that were beyond the pale among the mostly conservative student body. I wasn't aware at the time that conservatism had enjoyed a long and storied skepticism of military intervention into foreign affairs, and I knew nothing of libertarianism even though classical liberals like Adam Smith and John Locke appeared on my syllabi.

Because of the Iraq War, I felt politically homeless. On the one hand, Republicans were united in support of the war and the president. On the other hand, Democrats seemed hostile to the norms and conventions to which I had grown accustomed and which I believed to be proper and good. I was wild in college, no doubt, and spent too much time mimicking the rollicking lifestyles of my favorite literary eccentrics, but I knew in my conscience—in my heart of hearts, as they say—that an ordered society requires extensive virtue, discipline, and restraint.

The case for government intervention, for example, is untenable where people give charitably, respect private property, behave well and do not commit crimes, improve their minds, maintain healthy diets and lifestyles, work hard, and honor the dignity and integrity of every human person. In such an ethical and moral place, the people are self-regulating and self-governing. Of course, there is no Utopia. Nowhere on a map can you locate a spot with perfectly harmonious living conditions among like-minded people with shared values, mores, and customs. But, in general, the point holds: there are fewer prosecutions where crimes are rare, less “need” for welfare where people enjoy wealth, fewer environmental problems where people can afford sustainable practices, fewer healthcare issues where people exercise and eat nutritious meals, and so on and so forth.

Although I had come under the spell of leftwing English and humanities professors during college, I realized, over the years, that my desire to help others required that I abandon the left, both its social and economic premises. While living in Japan, before I entered graduate school, I discovered the Mises Institute through Internet searches. That discovery led to other discoveries that led, in turn, to other discoveries: more books and articles on Austrian economics and libertarian political thought.

When I began law school—I earned my M.A. in English through evening courses while attending West Virginia University College of Law during the day—I read Mises and Hayek and Rothbard and many others and found in them so much that I already believed but had never myself articulated. These thinkers expressed ideas that were, to me, at this stage in my development, merely inchoate or embryonic. I also learned economics for the first time and realized, to my dismay, that many of the political policies I had embraced as an undergraduate had deleterious consequences that disproportionately impacted those whom I wanted to help the most: the poor, the marginalized, and the powerless.

The Ron Paul 2008 presidential campaign energized me, and I began to participate in conferences hosted by the Institute for Humane Studies and Liberty Fund. I met other graduate students who were interested in Austrian economics, classical liberalism, or libertarianism and encountered a wide variety of intellectuals who embraced the “libertarian” label. Rothbard’s consistency and purity appealed to me, but I wrestled with anarchocapitalism because I couldn’t envision a world in which it would exist on a large scale rather than at merely a tribal or community level. I decided over time that Rothbard presented the ideals toward which we ought to strive, but that fallible human beings would struggle to translate those ideals into practical reality. Rothbard himself engaged in politics and with politicians and authored heated polemics; he must have felt that abolishing the state, however theoretically sound and desirable, wouldn’t happen any time soon.

After law school, I took a short-term position as an adjunct legal associate at the Cato Institute where Ilya Shapiro was my supervisor. Hoping for a career in higher education, I sensed that I needed to earn a Ph.D. I could, I thought, become a law professor with a doctorate in literature to marry both my legal and literary interests while researching and writing about libertarianism. My passion for literary study was so intense, and my love of poetry and creative prose so powerful, that I could not imagine a professional career without novels, plays, and poems involved. Paul Cantor and I had been corresponding for a couple of years, and he and Stephen Cox had just published *Literature and the Economics of Liberty* with the Mises Institute, generating buzz and acclaim within libertarian circles. I therefore scheduled a call with him to discuss doctoral studies in English. At the time I was in my parents’ home in Marietta, Georgia, still in my twenties and studying for the bar examination. He

and I devised an implausible plan to include him on my doctoral dissertation committee, chaired by one of his former students who was, then, a professor in the English Department at Auburn University, which I would soon attend.

But, alas, it wasn't to be. Although I enrolled in the doctoral program at Auburn, Paul did not sit on my dissertation committee—not for lack of desire, but because I did not write my dissertation about Austrian economics and literature as I had hoped to do. (I wrote it on Oliver Wendell Holmes Jr.) I did, however, publish *Literature and Liberty*, my first book, while I was a graduate student and regularly corresponded with Paul and followers of his work for many years. In those days I thought we might inspire an exciting movement, that a new school of literary theory and criticism would emerge to challenge the various offshoots of Marxism and anticapitalism that dominated (and still dominate) the discipline. “We could change literary studies,” Paul enthused during that phone call. Holding the phone to my ear, I believed he was right.

Perhaps he was, but the prospect of revitalizing and reorienting literary studies has, lately, appeared grim. It has been well over a decade since *Literature and the Economics of Liberty* reached print. Although a few of us who work in literary studies have discussed hosting a conference on Austrian economics and literature, nothing of that magnitude has ever occurred. Paul himself is gone now, having passed into the Great Beyond. You won't find “Libertarian Theory” in an anthology of literary theory and criticism, yet a few books and articles are beginning to investigate the claims and ideas that Paul propelled into the mainstream.

During my doctoral studies, at any rate, Jeffrey Tucker interviewed me at the Mises Institute for a now-defunct program called “In Studio at the Ludwig von Mises Institute.” That interview, in which I decried the state of literary studies, got me into hot water with my dissertation advisor at Auburn. She objected not just to my claims in that interview but to my decision to speak to Tucker for media produced by the Mises Institute. My relationship with her changed instantly as she grew hostile toward me and my work. Although my dissertation had nothing to do with libertarianism or Austrian economics, my dissertation advisor labored to obstruct my progress and prevent me from earning my doctorate. After the intervention of the university ombudsperson, she was removed as my dissertation advisor. I received a new advisor and quickly completed and defended my dissertation, which she had never allowed my other

committee members to review. This experience revealed to me the corruption and bad faith that can occur on university campuses, especially in the humanities where faculty are, or can be, unwelcoming to ideological diversity and against free markets.

In 2020, Matt Spivey, who chairs the English Department at Arizona Christian University, published a shrewd and fascinating book, *Re-Reading Economics in Literature: A Capitalist Critical Perspective*, with the potential to invigorate what Cantor worked so hard to create, namely a dynamic and broadly accepted school of literary theory that champions individual liberty. Although twentieth century schools of literary theory and criticism have undergone principled, pointed critique from libertarians generally and adherents of the Austrian school in particular, certain elements of these schools provide insights into, and parallels with, seminal ideas of the Austrian school of economics.

Though I am a lawyer who researches and writes about jurisprudence, and though I direct a university center devoted to the study of free-market economics, literature remains my first love. How I wish that English and other humanities departments would discover the workings of economics, and how I wish that economists and libertarians would pursue literary interests and texts. If we want our economic or libertarian ideas to take hold, we must cultivate creative arts and influence culture.