



Written by [Jack Kerwick, Ph.D.](#) on June 5, 2011

“Mad Doctor”? Or Mad Medved?

Paul is a “crackpot,” Medved says, because of his insistence “that government has no more right to interfere with prostitution or heroin than it does to limit the right of the people to ‘practice their religion and say their prayers.’”

It is correct that during the [first Republican presidential primary](#) debate in South Carolina, Paul did indeed analogize the federal government’s relation to drug use and prostitution to its relationship to the practice of religion. Just as Americans have long recognized that their liberty to practice or refrain from practicing any religion of *their* choice requires that all other Americans be equally at liberty to make this same kind of choice, so too should they realize that the liberty to engage in the “personal habits” of one’s choosing depends upon others being able to do the same. “You know, it’s amazing,” Paul remarks, “that we want freedom to pick our future in a spiritual way but not when it comes to our personal habits.”



And what this in turn implies is that just as our Constitution prohibits the federal government from interfering in the exercise of religion, so too should it be read as proscribing the federal government’s interference with such “personal habits” as recreational drug use and prostitution.

This is a “First Amendment *type* issue,” Paul declares, that, in the interest of protecting “liberty across the board,” should be turned over exclusively to the states to manage.

For these remarks, Medved bombards Paul with a litany of ad hominem attacks. In addition to calling him a “crackpot,” he refers to him as “the Mad Doctor” and attempts to besmirch Paul by accusing him of “proudly” associating with 9/11 Truthers. Paul, Medved continues, used the first Republican primary debate as an opportunity to “stake out exclusive territory on the lunatic libertarian fringe.” He is “addle-brained,” a “crotchety candidate,” a “sad caricature of conservative and libertarian ideology,” and “reckless.” Paul’s “logic” is not only “rotten,” but “putrefying” at its “core.” And just to be sure that his profound insights into the intellectual and moral dimensions of Paul’s character haven’t been lost upon the reader, Medved wraps up his brilliant case for Paul’s institutionalization by referring to him as “Dr. Demento.”

For the last 12 years, from the time I *began* working on my master’s degree in philosophy, I have taught various course in philosophy, from ethics to political philosophy, philosophy of law to philosophy of art, world religions to logic. Had a student of mine submitted a paper as poorly reasoned, as fallacy ridden,



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as Medved's article on Paul, he would not have fared well.

However, once we turn to the shoddiness of the talk show host's arguments against Paul, it is not difficult to understand why he had to resort to abusive name calling.

Medved makes two arguments against Paul's point of view.

First, he charges the Texas congressman with inconsistency: if the First Amendment proscribes the feds from interfering with transactions involving drugs and sex, then it as well proscribes the states from so doing, for [in 1925, the Supreme Court](#) "federalized [Bill of Rights](#) protections."

As I already pointed out, Paul did *not* say that this was a First Amendment issue. What he said is that it is a "First Amendment *type*" issue. The First Amendment proscribes the federal government from interfering with the practice of religion. Because religion is a "personal habit," as Paul says, and personal habits are exercises in liberty, the "personal habits" of drug usage and prostitution should also be protected from the federal government. In other words, while neither the letter of the First Amendment nor the Bill of Rights generally mentions drug usage and prostitution, the spirit of "liberty across the board" for the sake of which the Constitution and, specifically, the Bill of Rights exists demands that the federal government relinquish its tentacles from "the personal habits" of citizens.

There is another way to meet Medved's charge of inconsistency. Paul could always reject as genuinely constitutional the Supreme Court decision to which Medved alludes. After all, the U.S. Supreme Court is a branch of *the federal government*. That the federal government, then, presumes to dictate to the states that they are as equally obliged as itself to observe the Bill of Rights could only be seen by Constitutionalists like Paul as but another instance of the federal government's extended project of undermining the liberty of the states.

To put this more bluntly, Paul could say to Medved that the latter begs the question. It is as if a Christian tried to convince a Jew that Jesus really was the Messiah by alluding to the New Testament — a document that Jews reject as divinely inspired.

Medved's second charge against Paul is much weaker than the first. Paul's "lunatic libertarian" position, Medved asserts, centers on the "provocative (and preposterous) claim that the First Amendment and 'protection of liberty across the board' forbid limitations on even the most dangerous drugs."

Either a lack of charity or a lack of rudimentary logic on Medved's part could have given rise to such a straw man. When Paul claims that constitutional liberty precludes the criminalization of drugs and prostitution, contra Medved, he is most certainly not claiming that it precludes "limitations on even the most dangerous drugs."

After setting up his wild distortion of Paul's position, Medved proceeds to point out that the legalization of "perhaps the most commonly practiced 'personal habit' in American culture," alcohol consumption, "hasn't stopped authorities from limiting the hours of bar service or, in numerous 'dry' counties or states, prohibiting the marketing of liquor altogether." Medved has really nailed Paul here! Well, actually, he hasn't. The truth is that a call for the legalization of currently illegal drugs is no more a call for a literally *laissez faire* approach to their sale, distribution, and use than is a call for the continual legalization of a legal drug like alcohol synonymous with a demand to abolish all regulations on *its* sale, distribution, and use.

Medved either cannot or will not grasp these not too terribly fine distinctions, for he continues this



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theme of Paul's "libertarian instinct to condemn as unconstitutional *any* governmental role in the economy." As if arguing with himself, Medved then responds to his own straw man with but another fallacy, what logicians since Aristotle have called "the complex question," a rhetorical question designed to assert precisely that which needs to be argued: "Would anyone claim that protecting liberty guaranteed a right to advertise some phony, falsely packaged 'miracle cure' for cancer that did significant harm to those who purchased it, or for a public market to offer dead cats labeled as ground sirloin?"

I wish I could say that I am as guilty of misconstruing Medved's position as he is guilty of misrepresenting Paul's. But, sadly, this really is as good — or bad — as it gets for Medved's argument. He apparently really thinks that Paul's invocations of liberty for a smaller, more constitutional government, is an argument for the practical abolition of government. In reality, though, libertarians like Paul recognize the need for and desirability of a government strong to protect our liberties, including safeguarding citizens against exactly the kind of fraud and deceit to which Medved alludes. And, as I hoped to show here, this is just the kind of fraud and deceit of which Medved's attempt to pass off his analysis of Ron Paul as anything other than a piece of fiction convicts him.



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