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# FUTURE OF FREEDOM

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*Genius, that power which dazzles mortal eyes,  
is oft but perseverance in disguise.*

— *John Ruskin*

# FUTURE OF FREEDOM

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## Let's Raise Our Vision

by Jacob G. Hornberger



There was once a time when religious liberty had never before been considered. Throughout history, people lived under political systems in which government and religion were combined. Since it was the system under which they had been born and raised and which existed all over the world, people just didn't give any thought to an alternative. Then one day, after centuries of conflict, discord, and corruption, someone came along with a radical idea: let's separate religion and the state. Let's relegate religious activity to the private sector and prohibit the government from controlling or regulating it. Let's establish freedom of religion.

That principle, of course, was firmly established when our American ancestors called the federal government into existence. First of all,

the power to establish, control, or regulate religious activity was not among the powers delegated to the federal government in the Constitution. Second, to make sure federal officials got the point, the First Amendment expressly guaranteed religious liberty for the United States.

It was among the greatest gifts that our ancestors could have ever bequeathed us, ensuring that future generations of Americans would be spared the horrific consequences that inevitably flow from a combination of church and state. But it was made possible only by people who were willing to raise their vision to a higher level, one that went beyond trying to reform the state religion system and instead separated religion and the state.

That is what we Americans living today should do with respect to the welfare-warfare state under which we have been born and raised. Instead of developing ways to reform and fix welfare-warfare state programs, we should instead lift our vision to a higher level, one that brings economic liberty and a limited-government republic to the United States. It would be among the greatest gifts we could ever give ourselves and succeeding generations.

We have all been born and raised in a welfare state, a way of life

in which the federal government is charged with the responsibility of collecting taxes from people with the aim of giving the money to others. We are taught that the primary aim of this system is to help the poor, but we all know that the welfare-state money also goes to people who are not poor, including rich corporations, the middle class, foreign dictators, multimillionaire seniors, large contributors to political campaigns, and a host of other people who have the right political connections.

The welfare state also encompasses the tens of thousands of regulations that govern economic activity, including minimum-wage laws, tariffs, sanctions, and embargoes.

It also includes the decades-long war on drugs, a war that purports to protect us from ourselves by sending us to jail for long periods if we are caught selling, possessing, or ingesting illicit substances.

No different is the warfare, or the national-security, state, under which most of us have also been born and raised. It consists of an enormous standing army, a military-industrial complex, the CIA, the NSA, and a vast empire of military bases that spans the globe. In the name of “national security,” the warfare state has long engaged in a vast array of oper-

ations in foreign countries, including regime-change operations, assassinations, support of dictatorial regimes, foreign interventions, invasions, occupations, and interference with the political affairs of other countries.

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### Does a free society entail the power of government to force people to be good?

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Here at home, as a consequence of its foreign activities, the national-security state now wields omnipotent powers that have traditionally been wielded by totalitarian dictatorships. They include the power to spy on, monitor, and collect information on everyone’s personal activity; to take people into custody and incarcerate them indefinitely in military installations; to torture people; and even to assassinate them. It’s all justified under the name of “national security,” a term that isn’t even found in the Constitution.

### Genuine freedom

The questions that every American should be confronting are: What does it really mean to be free? Does a free society entail the power of government to force people to be good, caring, and compassionate? Does freedom entail the power of

government to seize money from one group of people and give it to another group? Does freedom entail the power of government to interfere with peaceful economic transactions? Does freedom entail the power of government to punish a person for ingesting what some people consider to be harmful substances? Does freedom entail living under a government that wields the same powers that totalitarian dictators wield? Can people truly be considered free when their own government claims the powers to assassinate them, spy on them, monitor and collect information on their personal lives, torture them, and incarcerate them indefinitely in installations run by the military and CIA?

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**Real freedom entails living under a governmental system whose powers are divided and strictly limited.**

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None of that is genuine freedom. True freedom involves the right of people to engage in any peaceful activity without the interference of government. That includes not just religious activity but also economic activity. What a person does with the economic aspects of his life is as personal as what he does in the religious parts of his life.

Genuine freedom entails the right of people to freely enter into economic exchanges with others, to accumulate the fruits of their earnings, and to decide what to do with their own money — donate, spend, save, or invest it.

True freedom entails the right of a person to ingest anything he wants to ingest, without being punished for it by the government.

Real freedom also entails living under a governmental system whose powers are divided and strictly limited to protecting people from frauds, murderers, rapists, and other violent people. Freedom entails a governmental structure based on the principles of a republic, not an empire. Thus, freedom necessarily entails a central government with few powers, one without a vast standing army, military-industrial complex, CIA, NSA, or foreign military empire.

What Americans are living under today is really just one great big racket that permits the people in the nonproductive sector of society — i.e., the welfare-warfare sector — to live off the trillions in taxes collected from the productive sector — i.e., the private sector.

To keep the racket going, the nonproductive sector needs the support of the productive sector.

For the past several decades, the welfare-warfare sector has been remarkably successful in inducing people in the productive sector to continue the welfare-warfare racket.

One of the principal ways that welfare-warfare statisticians garner the support of people in the private sector to sustain the racket is to convince them that a welfare state is necessary and essential to the survival and well-being of society.

Without a welfare state, Americans are told, people would be dying in the streets from starvation, illness, neglect, and homelessness.

If there were no minimum-wage laws, employers would drive wages down to subsistence levels. The laws of supply and demand just don't apply to labor markets, the welfare statisticians say.

If drugs were legalized, everyone would immediately rush to the nearest drug facility and begin smoking dope, snorting cocaine, and injecting heroin.

That is all nonsense, but the fact that so many Americans have bought into it reflects the degree to which they have lost confidence in freedom, free will, freedom of choice, and a genuine free-market system. A true free-enterprise society — one in which the government is prohibited from infringing on

economic liberty — not only produces the wealth and prosperity that raises people's standard of living, especially that of the poor, it also lifts people's sense of conscience, responsibility, and moral duty to their fellow man.

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**Without a welfare state,  
Americans are told, people would  
be dying in the streets.**

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When it comes to the warfare state, fear and doubt are also the coins of the realm. If the national-security state were dismantled, apologists say, the United States would be taken over by the communists, terrorists, drug dealers, or some other scary creatures. To make certain that people remain agitated and afraid, the warfare state provokes or seizes upon an endless series of crises, which provide officials the opportunity to rally the people to the government as part of their "patriotic" duty.

Perhaps the state's best tactic for garnering the support of the private sector for its racket is to keep the people unaware of their real plight. That tactic is realized through indoctrination, which is what the state's schooling system is all about. The process starts in the first grade, when every student in the country

begins to be inculcated with the notion that he lives in a free society. Think of the Pledge of Allegiance, a pledge crafted by a dyed-in-the-wool socialist and which students are encouraged to recite every morning in their formative years: “with liberty and justice for all.”

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**People must conquer the fears that the welfare-warfare statist have implanted in them.**

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If a person's mindset is molded so that he believes he is free, isn't he likely to believe also that the governmental structure under which he has been born and raised is what government in a free country is like? In the case of the United States, that means the welfare-warfare state.

By the time students graduate high school, most of them have no doubt that America is a free country, and they are thankful for that. They are grateful they live in a society in which the government takes care of people and keeps them safe from the communists, terrorists, drug dealers, and illegal aliens. They go to sports events and, with tears in their eyes, stand and sing with 100 percent conviction, “I'm proud to be an American, where at least I know I'm free.” They don't realize that their plight is that which

was described by the German thinker Johann von Goethe: “None are more hopelessly enslaved than those who falsely believe they are free.”

### The power of ideas

Those are the principal obstacles that libertarians must overcome if we are to achieve a free society — that is, a society without a welfare-warfare state. They are indeed enormous obstacles but they are not insurmountable. After all, many libertarians felt inadequate, afraid, and unaware before they achieved the “breakthrough” to libertarianism. If they can do it, anyone can do it.

That's where the power of truth and ideas on liberty comes into play. Truth enables people to recognize their situation for what it is. If they are able to see that the welfare-warfare way of life under which they have been born and raised does not constitute genuine freedom — that they have been lied to — then they are faced with a choice: Do I want to be free or not? If they decide that they want a life of freedom, then they realize that the only way to accomplish that is by a dismantling, not a reform, of the welfare-warfare way of life.

But something more is required. People must conquer the fears that

the welfare-warfare statisticians have implanted in them — the fear that people will die in the streets without the welfare state, that workers will barely eke out a living without minimum-wage laws, that everyone will go on drugs in the absence of a drug war, or that America will be invaded and conquered by the communists or terrorists in the absence of a national-security state.

To achieve freedom, Americans must understand what freedom is, believe in it, and want it. We should lead the world out of the welfare-warfare morass that has brought nothing but destitution, poverty,

conflict, and discord. We should raise our vision to a higher level, just as our ancestors did with religion, and lead the world to freedom, prosperity, peace, and harmony.

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*Jacob Hornberger is founder and president of The Future of Freedom Foundation.*

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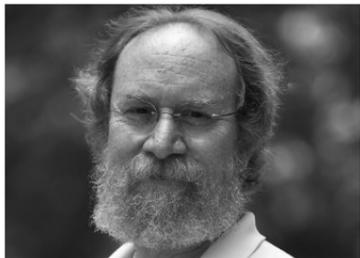
**NEXT MONTH:**  
“The U.S. Embrace of  
Monetary Tyranny, Part 1”  
by Jacob G. Hornberger

*Integrity is an accurate reflection in word and deed of whatever one's highest conscience dictates as right. Wisdom is whatever one's highest conscience dictates as truth.*

— Leonard Read

# Crime and Punishment in a Free Society

by Sheldon Richman



**W**ould a free society be a crime-free society? We have good reason to anticipate it.

Don't accuse me of utopianism. I don't foresee a future of new human beings who consistently respect the rights of others. Alas, there will always be those who would invade the boundaries of their fellow human beings. Rather, I want to draw attention to the distinction between *crime* and *tort* — between offenses against the state (or “society”) and offenses against individual persons or their justly held property. We're so used to this distinction, and the priority of the criminal law over tort law, that most of us don't realize that things used

to be different. Not so long ago, an “offense” that was not an act of force against an individual was *not* an offense at all.

What happened? In England, the early kings recognized that the administration of justice could be a cash cow. So, as to be expected, they grabbed on and never let go. As a result, the emphasis shifted to punishment (fines and imprisonment — for which the people, including victims, pay!) and away from restitution (making victims or their heirs as whole as possible).

Liberty-minded people should regret this change. Yet again, the ruling elite exploited the people for its own gain. It needed wealth to buy war materiel and allegiance, so it took it by force from the laboring masses, and corrupted the justice system in the process.

In *The Enterprise of Law*, Bruce Benson explains that before the royal preemption, customary law prevailed in England. One feature of this spontaneous order was that

offenses are treated as torts (private wrongs and injuries) rather than crimes (offenses against the state or the “society”). A potential action by one person has to affect someone else before any question of

legality can arise; any action that does not, such as what a person does alone or in voluntary cooperation with someone else but in a manner that clearly harms no one, is not likely to become the subject of a rule of conduct under customary law.

Benson also notes that

prosecutorial duties fall to the victim and his reciprocal protection association. Thus, the law provides for restitution to victims arrived at through clearly designed participatory adjudication procedures, in order to both provide incentives to pursue prosecution and to quell victims' desires for revenge.

### The king's peace

In such a system of law, one was not likely to see “offenses” without true victims. Since cooperation through reciprocal benefits is the key to the success of customary law, the system is likely to be kept within narrow libertarian-ish limits. (John Hasnas's online paper (PDF: <http://tinyurl.com/ngrodsp>) “Toward a Theory of Empirical Natural Rights” explains this process.)

That arrangement worked fairly well — until would-be rulers, who needed money to finance wars of conquest and buy loyalty by dispensing tax-funded jobs, discovered that there was gold to be had in the administration of justice.

Anglo-Saxon kings saw the justice process as a source of revenue, and violations of certain laws began to be referred to as violations of the “king's peace.” Well before the Norman conquest [1066], outlawry began to involve not only liability to be killed with impunity but [quoting historians Frederick Pollack and Frederick Maitland] “forfeiture of goods to the king.”

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**The people were not pleased with the shifting focus from victims to the king and his cronies.**

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The idea of the “king's peace” started small but eventually expanded to all of society. The incentive was obvious. “Violations of the king's peace required payment to the king,” Benson writes. As customary law was co-opted by the crown, the concept *felony*, arbitrariness in punishment, and imprisonment came to

the administration of “justice.” The people were not pleased with the shifting focus from victims to the king and his cronies, so they had to be compelled to cooperate.

For example, royal law imposed coercive rules declaring that the victim was a criminal if he obtained restitution before he brought the offender before a king’s justice where the king could get his profits. This was not a strong enough inducement, so royal law created the crimes of “theftbote,” making it a misdemeanor for a victim to accept the return of stolen property or to make other arrangements with a felon in exchange for an agreement not to prosecute.

Benson sums up:

By the end of the reign of Edward I [1307], the basic institutions of government law had been established, and in many instances older custom had been altered or replaced by authoritarian rules to facilitate the transfer of wealth to relatively powerful groups. “Public interest” justifications for a government-dominated

legal system and institutions *must* be viewed as ex post rationalizations rather than as ex ante explanations of their development.

Thus the criminal justice system as we know it is a product of state arrogation and a repudiation of individualism and libertarianism. This perverse approach to law was inherited by the representative democracies that succeeded the absolute monarchies in England and then in America.

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**A system of justice aimed at restitution makes eminently good sense, especially from a libertarian perspective.**

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For reasons too obvious to need elaboration, a system of justice aimed at restitution makes eminently good sense, especially from a libertarian perspective. Someone is wronged, so the perpetrator should, to the extent possible, make things right. In the case of murder, the victim’s heirs would have a monetary claim against the killer, as they do today in civil court; in the case of an heirless victim, the claim could be homesteaded by anyone who puts the effort into identifying and prosecuting the killer. The transferabili-

ty of claims would apply in cases other than murder. For example, a poor person who was beaten could assign his claim, for a price, to someone with the means to apprehend and prosecute the offender. (That would be similar to civil lawyers' working for contingency fees.)

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**The point isn't to make perpetrators suffer or to reform them or to make potential perpetrators think twice.**

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At the same time, the principle of restitution undercuts the case for punishment, correction, and deterrence as direct objectives of the justice system. The point isn't to make perpetrators suffer or to reform them or to make potential perpetrators think twice. What good are those to the present victim? Correction, deterrence, and even some suffering (say, shame and embarrassment) may be natural byproducts of a system of restitution, but they are not proper objectives, for where could a right to do more than what require restitution come from?

Violence is so destructive of the conditions required by a community appropriate to human flourishing that its use is justifiable only when necessary to protect innocent life or to make victims whole. Thus,

it cannot be legitimate to use force to punish, reform, or deter. Private nonviolent acts — for example, shunning — can have a proper role here. Also, a perpetrator who presents a continuing and persistent threat to others might legitimately be confined for reasons of community self-defense, not for punishment, reform, or deterrence.

Punishment is wrong, Roderick Long writes, because “after all, we do not think that those who violate others' rights accidentally should be made to suffer; but the only difference between a willing aggressor and an accidental aggressor lies in the contents of their thoughts — a matter over which the law has no legitimate jurisdiction.”

### Replacing crimes

That point is worth examining. If Smith harms Jones inadvertently, most would agree that Smith should compensate Jones, with force being permissible should Smith refuse to cooperate. But if Smith harms Jones *intentionally*, the only difference from the first case is that Smith had certain thoughts in his mind, or certain motives. On what grounds can we justify imprisoning or otherwise inflicting suffering on Smith purely because of his thoughts or motives? I can see none. Punishing

people for their thoughts smacks of totalitarianism. That is why Long titled one of his papers on this matter “The Irrelevance of Responsibility,” his point being that (generally) the debt that a boundary crosser (rights violator) owes to his victim is the same regardless of whether the boundary was crossed intentionally. He writes,

By “responsibility” I mean, of course, more than mere *causal* responsibility, in the sense invoked when we say that the acid was *responsible* for the corrosion of the metal, or that an asteroid was *responsible* for the extinction of the dinosaurs. Judgments of causation are, of course, essential to the working of any legal system. But there is a narrower sense of responsibility, having to do with positive considerations of knowledge and control, as well as normative considerations of praiseworthiness, blameworthiness, and obligation; and it is responsibility in this sense that I maintain is *legally* irrelevant.

Long hastens to add that he does not mean that responsibility is entirely irrelevant:

[It] is only *for the most part* that considerations of responsibility are legally irrelevant, on my view. Hence, this discussion might more accurately (if less dramatically) be titled “The Legal Near-Irrelevance of Responsibility.” But the respects in which responsibility turns out to be legally relevant after all are, I shall argue, largely peripheral, and certainly outside the primary context in which responsibility has traditionally been considered paradigmatically relevant.

(To my knowledge, Morris and Linda Tannehill, Jarret B. Wollstein, and Randy Barnett are the first libertarians of our era to describe a system of justice based primarily on restitution.)

As Gary Chartier concludes in *Anarchy and Legal Order*,

Because there is no warrant for executions or punitive fines, and no warrant for restraint (which need not involve imprisonment) except as a matter of self-defense and the defense of others, there is no need for the distinctive institutions and practices of the criminal justice system.

In a free society the category *torts* would fully replace the category *crimes*, and restitution would fully replace retribution. That would be a welcome change in a society that imprisons more people than any other, often for nonviolent and victimless “crimes.”

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*and author of Tethered Citizens: Time to Repeal the Welfare State and two other books published by FFF. Visit his blog, “Free Association,” at [www.sheldonrichman.com](http://www.sheldonrichman.com).*

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**NEXT MONTH:**  
“**Libertarianism:  
The Moral and the Practical**”  
by *Sheldon Richman*

*Never trouble trouble till trouble troubles you. I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce and agriculture in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.*

— *John Adams*

## Foreign Aid Clobbers the Third World

by James Bovard



The U.S. government loves to preen about its generosity to the world's downtrodden. However, a long series of presidents and their tools have scorned the evidence that their aid programs perennially clobber recipients. Nowhere is this clearer than in the sordid history of U.S. food aid.

Food for Peace was devised in 1954 to help dump abroad embarrassingly huge crop surpluses fomented by high federal price supports. The primary purpose of Public Law 480 (in which the program is embodied) has been to hide the evidence of the failure of other farm programs. Although PL-480 sometimes alleviates hunger in the short run, the program disrupts local agricultural markets and makes it harder for poor

countries to feed themselves in the long run.

The Agriculture Department (USDA) buys crops grown by American farmers, has them processed or bagged by U.S. companies, and pays lavishly to send them overseas in U.S.-flagged ships. At least 25 percent of food aid must be shipped from Great Lakes ports, per congressional mandate. Once the goods arrive at their destination, the Agency for International Development (USAID) often takes charge or bestows the food on private relief organizations.

In the 1950s and 1960s massive U.S. wheat dumping in India disrupted India's agricultural market and helped bankrupt thousands of Indian farmers. In 1984 George Dunlop, chief of staff of the Senate Agriculture Committee, speculated that American food aid may have been responsible for the starvation of millions of Indians. The Indian government generated fierce hostility from the U.S. government because of its pro-Soviet leanings in the Cold War. In a secret White House tape in 1971, Richard Nixon declared, "The Indians need — what they really need is a mass famine." (The story behind Nixon's deprecation is told in a new book, *The Blood Telegram: Nixon, Kis-*

singer, and *a Forgotten Genocide*, by Gary Bass.) A 1975 General Accounting Office report noted that massive U.S. food aid to India and Indonesia in the 1960s

restricted agricultural growth in those countries by allowing the governments to (1) postpone essential agricultural reforms, (2) fail to give agricultural investment sufficient priority, and (3) maintain a pricing system, which gave farmers an inadequate incentive to increase production.

### Making matters worse

In 1976 an earthquake hit Guatemala, killing 23,000 people and leaving more than a million homeless. But just prior to the disaster the country had harvested one of the largest wheat crops on record and food was plentiful. Yet the United States dumped 27,000 metric tons of wheat on the country. The U.S. “gift” knocked the bottom out of the local grain markets and made it harder for villages to recover. The Guatemalan government finally had to forbid the importation of any more basic grains.

In 1977 Congress responded to the carnage that Food for Peace wreaked abroad by enacting a re-

quirement (sponsored by Sen. Henry Bellmon of Oklahoma) that compelled USAID and the USDA to certify that food aid would not devastate farmers or destabilize markets in recipient countries. But whom does Uncle Sam entrust to ensure that donations won’t pummel local farmers? In most cases, a foreign government or private relief organization hoping to gain a tremendous free-food windfall from Washington. Cornell professor Christopher Barrett, in his book *Food Aid after Fifty Years*, noted that “recently a senior U.S. government official remarked privately that ‘Bellmon Analyses are sheer fraud.... No one believes them.’”

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In the 1980s, famines and hunger in sub-Saharan Africa were continually in the world news. But few people recognized how U.S. aid programs often made the situation worse. In Somalia a report made by a USAID inspector general concluded, “Nearly all Title I [Food for Peace] food deliveries to Somalia in 1985 and 1986 arrived at the worst possible time, the harvest months, and none arrived at the best time,

the critical hungry period. The consensus of the donor community was that the timing of the deliveries lowered farmers' prices thereby discouraging domestic production."

In Senegal the Food for Peace program in 1985 and 1986 resulted in the government's closing down the local rice markets to force the Senegalese to buy American rice that their government had been given. The Senegalese are among the few peoples in the world who prefer broken rice to whole-grain rice, as they feel it better suits their sauces and national dishes. PL-480 does not offer broken rice. Since PL-480 proceeds went straight into the government coffers, Senegalese politicians had an incentive to prohibit the local farmers from selling their own rice in order to dump American rice on the market.

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### Haitian farmers were whipsawed after the United States bombarded the island with free food.

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In 2008 USAID began tapping an independent consulting firm, Fintrac Inc., to recommend prudent donation levels. Nevertheless, in 2010 USAID approved sending almost three times as much rice to Liberia as Fintrac recommended. That same year the agency approved

massive wheat shipments for Burundi and Sierra Leone, even though Fintrac recommended against it. The USDA is even more reckless. In 2008 it approved sending 30 times more soybean meal to Armenia than the agency's own staff experts recommended.

### "Monetizing" aid

In recent decades USAID has permitted recipients to "monetize" U.S. food aid — selling all or part of it in local markets and using the proceeds to bankroll their preferred projects. U.S.-donated food is routinely sold in local markets for much less than prevailing prices. In 2002-03 a deluge of food aid in Malawi caused local corn prices to plunge 60 percent. Mozambique wheat prices nose-dived in 2002 after USAID and the USDA simultaneously "flooded the market," according to the U.S. Government Accountability Office (GAO). Haitian farmers were similarly whipsawed after the United States and other nations bombarded the island with free food after the 2010 earthquake there.

In a speech last year USAID chief Rajiv Shah called the monetization of food aid "inefficient and sometimes counterproductive," saying that in some cases "evidence has

indicated that this practice actually hurts the communities we seek to help.” Meanwhile, the United Nations Food and Agriculture Organization cautions that monetization often results in “destroying local farm prices” and CARE, one of the world’s largest relief organizations, boycotts all monetization projects. The GAO concluded that “AID and USDA cannot ensure that monetization does not cause adverse market impacts because they program monetization at high volumes, conduct weak market assessments, and do not conduct post-monetization evaluations.”

Former USDA chief economist Robert Thompson observed that “U.S. farmers would scream unfair if USDA gave commodities to charitable organizations to sell into the U.S. market to generate funds to support their Hurricane Katrina recovery projects. That is exactly how farmers in developing countries see monetized food aid, but unlike American farmers, they have little political voice.”

The Obama administration proposed to end monetization and instead give more cash to foreign governments and private relief organizations to buy and distribute food locally and finance preferred projects. Shah said that the pro-

posed reforms would allow U.S. aid to feed up to four million more people per year. The agency also touted a new program to distribute debit cards to allow refugees and others to shop for meals at local stores — similar to how the food-stamp program operates domestically. But the goal should not be to maximize the number of foreigners eating out of the U.S. government’s hand.

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**The goal should not be to maximize the number of foreigners eating out of the U.S. government’s hand.**

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Most Americans have the impression that U.S. food relief goes mainly to foreign areas hit by disasters or emergencies. Actually, only a small percentage does. As one congressional staffer told me in 1984, a USAID representative goes into a country, finds an excuse for a project, and then continues it for 15 years, regardless of need or results. Many such programs feed the same people for more than a decade, thereby decreasing permanently the demand for locally produced food and creating an entrenched welfare class. The GAO notes that most “emergency food aid funding” is spent on “multiyear feeding programs” that have produced epidem-

ics of scurvy and beriberi because of the limited food choices.

The Obama administration also proposed to slightly reduce the percentage of U.S. crops purchased and shipped overseas on U.S. flagships. Food for Peace's cargo-preference subsidies are alleged to be justified to preserve U.S. merchant ships in case of a national emergency. But a Senate Agriculture Committee report concluded, "Rather than encouraging the development of improved U.S. vessels, the program encourages the continued use of semi-obsolete and even unsafe vessels which are of little use for commercial or defense purposes." Rep. Virginia Smith noted, "Between 1963 and 1983, more than 350 seamen died in major accidents on old ships operating beyond their productive life." But regardless of its waste and economic irrationality, the cargo preference generates a tidal wave of congressional campaign contributions from the ship owners and the merchant marine union. The Obama administration put little effort behind its reform proposal, which Congress scuttled without further ado.

At the same time that the United States gives food handouts to selected foreign regimes, U.S. agricultural policies since 1933 have sought to

drive up world grain prices. Though it is easy for USAID bureaucrats to point to pictures of smiling Third World citizens who received free American food, no one knows how many Africans and Asians have starved to death because they could not afford to buy grains that were more expensive as a result of the U.S. policy. While the United States gave free food to a small percentage of the world's poor, it made food more expensive for all the world's poor.

The long history of Washington's ignoring how food aid ravages foreign farmers proves that Congress, USAID, and the USDA cannot be trusted to intervene in foreign markets. It is time to impose a Hippocratic Oath on foreign-aid programs: First, do no harm.

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*James Bovard serves as policy adviser to The Future of Freedom Foundation and is the author of a new ebook memoir, Public Policy Hooligan, as well as Attention Deficit Democracy and eight other books.*

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**NEXT MONTH:**  
**"FDR Farm-Folly  
Lessons for Obamacare"**  
*by James Bovard*

# Tolerance: Joining the Best of Conservatism and Progressivism

.....  
by *Alexander William Salter*



**M**any liberals (in the classical sense) are so reluctant to concede an inch to conservatism and progressivism that they insist the latter two political philosophies, and the worldviews that frequently accompany them, have no redeeming features. This is a mistake. There are elements of conservatism worth conserving, and elements of progressivism worth progressing towards. Furthermore, tolerance, the premier social virtue of liberalism, provides a way to reconcile the best of conservatism and progressivism. Melding the virtues of conservatism and progressivism, while eschewing their vices, is the respon-

sible thing for liberals to do in order to promote human flourishing.

Conservatism does possess an appealing aesthetic vision, namely, in its emphasis on preserving civilization and maintaining public virtue. Conservatism typically finds its highest expression in its promotion of a well-ordered society, in which individual persons find meaning through their place in society's inherited social institutions. It also recognizes the importance of some check on political power by affirming the liberties and local sovereignty of individuals and intermediating social bodies, such as churches and fraternal organizations. Such "little platoons" are important because they bind communities together and provide for needs that the community's individuals, in isolation, would find difficult to meet. There is something comforting, and even romantic, in conservatism's emphasis on pursuing the good, the true, and the beautiful and its recommendation of a healthy dose of humility when seeking social reform.

However, there is also much in conservatism that its detractors rightly spurn. Despite its frequent emphasis on natural law and discovering the true essence of things, conservatism is often hostile to the

analysis of the social world along the lines of abstract reason. There is an implicit objection to divorcing part from whole in the conservative intellectual tradition, which if taken seriously, would render impossible the assertion of any fact or law concerning social processes. The traditionalist aspects of conservatism can also go too far in advocating the continuation of inherited social practices. That can result in the enshrinement of institutions that continue the unjust perpetration of some people's high socio-economic status at the expense of others.' Finally, in its quest to discover the good, the true, and the beautiful, conservatism often overlooks the fact-value distinction, being too quick to judge something "good" simply because it is "natural."

Given those shortcomings, the emphasis progressivism places on equality and justice are understandable and commendable. Progressivism is hostile to treating the status quo as sacrosanct, and emphasizes the desirability of judging the justice of society and its institutions on the basis of reason. Because of that, progressivism is often unwilling to tolerate existing social practices if they result in some people's being unable to lead minimally decent lives. Thus, there is a certain ele-

ment of the heroic in progressivism: Society can and should be perfected, and human rationality is the means by which perfection can be achieved.

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**There are immutable laws governing social organization — the laws of economics come to mind.**

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However, as with conservatism, progressivism's virtues are a double-edged sword. Just as conservatism runs into the danger of being perpetually concrete-bound, progressivism relies too much on unanchored abstraction. A universal theory of justice conceived through abstract argument, which supposedly commands our assent by the power of reason alone, does not constitute an argument for shoe-horning society into that idealization. There are immutable laws governing social organization — the laws of economics come to mind — that render progressives' grand schemes of social engineering impossible, and ignoring them can be catastrophic for the very people progressivism heartily wishes to assist. Progressivism, in its zeal to rectify injustice, is too quick to see every discrepancy among persons as the result of some act of discrimina-

tion. That, too, inappropriately enshrines the normative at the expense of the positive, albeit in a different way than conservatism does.

### The essence of civilization

Fortunately, the first virtue of liberalism allows us to have our cake and eat it too. That virtue is tolerance, as I asserted before. Tolerance is frequently something to which everyone pays lip service, but the dedication rarely goes any deeper than that. As I use the word, and as it finds its expression in liberalism, tolerance does not mean approval, but acceptance. To tolerate is to live and let live. I tolerate others to the extent that, whether I approve of their practices or not, I do not seek to interfere forcibly with them by acting on my own or by using the coercive apparatus of the political process. If I disapprove, I do not seek to use the law to prevent others from engaging in their preferred activity; if I approve, I do not seek to use the law to promote it.

Unfortunately, that kind of tolerance is eschewed by the vast majority of conservatism's and progressivism's adherents. Conservatism typically endorses the use of force to impose one vision of the good, the true, and the beautiful on others. Its respect for traditional social

practices extends to protecting those practices by using the political process, which means forcing the practices on unwilling third parties. Progressivism, odd as it may sound at first, can be equally intolerant. Although it frequently calls for, and even approves of, social practices that conservatism would be more than happy to outlaw, it also calls for the use of coercion, usually directed at redistributing people's resources. That too is an imposition on unwilling third parties, but the values are material rather than spiritual. So conservatism and progressivism have the same Achilles' heel: they each endorse the imposition of a set of values on others, whether those others like it or not.

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**As it finds its expression in liberalism, tolerance does not mean approval, but acceptance.**

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The tolerance of liberalism allows for a synthesis of the ideal upright and orderly community emphasized by conservatism and the push for individual equality and justice promoted by progressivism. By whatever personal code one chooses to live, endorsing the virtue of tolerance means refusing to impose one's vision of the good society

on others. Tolerance allows individual persons to form communal bonds of their own choosing on the basis of their own conscience. It thus allows them to build their ideal society in concert with others who share their vision. A tolerant society is not one where everyone embraces one set of values. A tolerant society is one characterized by a plurality of values, where those who disagree — even if they disagree vehemently — leave each other alone. In such a society, people recognize that the existence of social practices they find repugnant does not justify a coercive interference to instill the “correct” set of values on those engaging in the supposedly repugnant practices. A tolerant society recognizes that people of different backgrounds, values, and life goals possess a fundamental dignity by virtue of their humanity that ought not to be diminished. Liberalism’s emphasis on tolerance is what makes it a truly cosmopolitan philosophy, one that appreciates and nurtures the rich diversity that exists among human beings. A liberal society is an archipelago of tightly bound yet open communities, each offering people a chance

to pursue their happiness in whatever way is best in their own estimation.

Obviously, tolerance is not a social panacea. I do not deny that there are certain social practices, such as theft and murder, that societies must curb, or else they will not remain social for long. And by praising tolerance, I do not endorse nihilism or ethical relativism. But I do believe that the willingness to leave alone those with whom one disagrees is the essence of civilization, and hence the essence of liberalism. For all their insights, neither conservatism nor progressivism is the appropriate philosophy for a flourishing society. Without tolerance, society will conserve that which ought to be discarded, or progress towards a state of oppression through enforced conformity. But in the tolerance of liberalism, society has a stable foundation for orderly growth and development, driven by the expression of individual diversity.

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## “Racist” Zip Codes

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by *Wendy McElroy*



A new type of social engineering is poised to descend on American communities: diversity mapping and the rectification of any racial inequities the mapping reveals.

The campaign is meant to stamp out “geospatial discrimination.” The term refers to the fact that affluent neighborhoods tend to be dominated by whites and Asians. What government calls “protected minorities,” especially blacks, are relatively absent from such communities. To the Obama administration, their absence constitutes prima facie evidence that such neighborhoods are discriminating against protected minorities by denying them equal access to safe communities and good schools. The social engineering aims at rectifying the alleged discrimination through the use of law, policy, and tax dollars. It

is a form of affirmative action for neighborhoods, and its stated purpose is to raise minorities up into the middle class where they can share in the American dream.

The opposite will almost certainly occur. Social engineering of communities will only perpetuate “protected minorities” as an underclass that relies on government to “succeed.” Entitlement programs, such as welfare, tend to cement people into a cycle of dependency rather than launch them into self-sufficiency. Meanwhile racial tensions will be created where none now exist because imposing racial quotas will damage neighborhoods in the same manner it has damaged higher education. That is especially true because many of the communities viewed as disproportionately affluent are likely to be working-class ones in which residents had to sweat for every inch up the economic ladder with no government assistance.

Minorities need the opposite of what is being offered. Laws, such as the minimum wage and licensure, that hinder them from entering the job market or the business world should be eliminated. Policies such as affirmative action, which brand them as unable to compete, should be shunned. Such policies have been

called “the bigotry of low expectations.” The economic history of America reveals a clear pattern. Racial and ethnic groups rise from poverty when they are allowed to compete in a (relatively) free market and to assert their own economic control through vehicles such as small businesses and home industry. That’s why the children of 19th- and 20th-century immigrants became more affluent and better educated than their parents. If the Obama administration wants to protect minorities, then it should step aside.

On July 16 Department of Housing and Urban Development (HUD) Secretary Shaun Donovan delivered a speech at the 104th annual convention of the National Association for the Advancement of Colored People (NAACP). He claimed that blacks were being denied “choice and the benefits of full citizenship” by being denied access to the “strongest neighborhoods.” Specifically, they were underrepresented as homeowners and renters in the suburbs.

Donovan explained the first step in remedying the situation. In conjunction with the Census Bureau, HUD was “providing data for every neighborhood in the nation, detailing what access African American families, and other members of pro-

tected classes, have to ... community assets.” Donovan pointed to HUD’s enhanced “enforcement techniques” through which the agency was initiating “investigations on our own without waiting for individuals to file complaints.” The enhanced enforcement tools include two anti-discrimination laws that were strengthened in early 2013: the Fair Housing Act and the Equal Credit Opportunity Act. It is now illegal for housing or home-credit policies to produce results in which minorities receive disproportionately less housing or fewer home loans than whites. It doesn’t matter if the housing and credit policies are race-neutral in content and in implementation. If the results are not racially balanced, then discrimination has occurred and civil rights have been violated. This is the theory of disparate impact, in which all that matters are the results.

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The Consumer Financial Protection Bureau has expanded its staff in order to “map” every credit record by race and report back to HUD on whether it is racially balanced. The “diversity mapping” of

neighborhood housing will identify similar sorts of imbalance or “geospatial discrimination.” Armed with maps, HUD intends to assist neighborhoods in understanding “integrated living patterns” and in overcoming “historic patterns of segregation.”

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**HUD intends to assist neighborhoods in understanding “integrated living patterns.”**

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The actions being discussed include new rules requiring communities that receive federal funds to “affirmatively further fair housing” for minorities and to encourage suburban landlords to accept Section 8 housing vouchers, which the federal government gives to private landlords to subsidize the rent of low-income tenants.

Section 8 housing has been actively promoted in the suburbs for years. But the proposed new HUD program is a considerable acceleration. The Fair Housing Acts of 1968 and 1988 protected renters and home buyers from discrimination based on race, sex, disability, and sexual orientation. Those HUD policies used force unjustifiably to prevent exclusion of protected classes; the new ones demand active and presumably — sooner or

later — the forced inclusion of protected classes. “Make no mistake, this is a big deal,” Donovan told the NAACP. “With the HUD budget alone, we are talking about billions of dollars.”

**Who is likely to benefit?**

The obvious answer to the question of who benefits may seem to be “the recipients of subsidized housing and privileged access to so-called strong neighborhoods.” But the obvious answer is often wrong.

Without dismissing the variety of motives that underlie measures against racism, it is useful to point out some political and economic advantages that diversity mapping offers to those in power.

Through Freddie Mac and Fannie Mae, the federal government controls a huge pool of foreclosed and empty properties. Many of them are unsalable and constitute a straight loss. If they were to be occupied by protected minorities, then the Section 8 benefits offered to occupants would turn the properties into moneymakers. Through taxation or inflation, the government could subsidize a sizeable portion of the rent while collecting the remaining balance from occupants.

Establishing a mutually lucrative relationship with private banks

is also a possibility. Indeed HUD has formed such partnerships in the past. On September 1, 2010, HUD announced the National First Look Program, which is described as “a first-ever public-private partnership agreement” of its kind. The partners include federal agencies, local governments, “top mortgage lenders” and nonprofit organizations. The mission of the program was and is to offer members of the Neighborhood Stabilization Program (NSP) a “right of first refusal to purchase foreclosed homes before making these properties available to private investors.” (NSP members are eligible for federal grants to do so.) Banks are specifically mentioned in the announcement. NSP members are to be given “a brief exclusive opportunity to purchase bank-owned properties in certain neighborhoods so these homes can either be rehabilitated, rented, resold or demolished.” Thus, NSP members could buy houses with tax money, fix them with tax money, and resell them to private parties. Banks would benefit not merely from the influx of cash but also by maintaining their intimate and lucrative relationship with government agencies.

There are other and more subtle advantages.

Obama wants to alleviate the debt of impoverished cities, such as Detroit, but he needs to do so without passing another unpopular stimulus package. An effective approach would be to reverse a main cause of the cities’ debt: “white flight,” the migration of affluent whites from urban areas to the suburbs in order to escape the unpleasantness of city life, such as high crime and bad schools. The migration sharply reduces the tax base of cities and increases the percentage of remaining residents who are on welfare or who otherwise consume taxes.

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**“Obama is a supporter of the idea that the suburbs should be folded into the cities.”**

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Obama’s solution? In a *National Review* article (August 1, 2012), Stanley Kurtz of the Ethics and Public Policy Center observed, “Obama is a longtime supporter of ‘regionalism,’ the idea that the suburbs should be folded into the cities, merging schools, housing, transportation, and above all taxation.” One step toward achieving Obama’s goal is “to move the poor out of cities by imposing low-income-housing quotas on development in middle-class suburbs.” That

would reduce the appeal of the suburbs and white flight. It means that the middle-class does not need to be lured back into cities such as Detroit; Detroit comes to them. Regionalism also places a greater tax burden on current suburbanites to support former city dwellers because the suburbs provide services such as schools and roads.

### Electoral outcomes

Another political advantage is that redistributing wealth financially appeals to important parts of Democrats' base, which are more likely to continue supporting Democrats because of it. Meanwhile, regionalism is a financial slap at the Democrats' base of opposition because the more conservative suburbs tend to be strongholds of Republican sentiment and votes.

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**Regionalism places  
a greater tax burden on current  
suburbanites.**

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Moreover, through selective migration, Democrats could negate what is considered to be an electoral edge enjoyed by Republicans: namely, redistricting, i.e., the practice of redrawing the boundaries of electoral districts; it is often done to make a district overwhelmingly Re-

publican or Democratic and so ensure that it votes in the "proper" House members. And Republicans have been accused of being especially good at redistricting.

Under the HUD program, however, the Democrats could simply move their base into Republican strongholds and so increase their own vote totals in that voting area. The tactic is particularly important for the 2014 elections, in which the entire House is up for reelection. Without a Democratic majority in the House and with the maintenance of one in the Senate, the gridlock of which Obama complains will continue to hinder his second-term plans. Some commentators consider the suburbs to be the key factor in those elections.

The HUD program also presses or forces compliance on a segment of the economy that is resistant to the Democrats' agenda: landlords who do not accept Section 8 vouchers. Since a great many Section 8 recipients are black, landlords who refuse the vouchers are often regarded as racist. But their reasons for rejecting the government program may have nothing to do with race. For example, some landlords reasonably view tenants of any race who depend on federal subsidies to pay a healthy portion of their rent

as high-risk tenants who may default on the remaining portion.

Moreover, Section 8 renters can put landlords at legal risk. A 2008 article in the *New York Times* discussed some of the problems that can accompany an incoming flood of low-income renters. For example, crime sometimes rises and frustrated police officers sometimes threaten to prosecute landlords for the bad acts of their tenants. The article led with the story of “Ms. Payne, a 42-year-old African-American mother of five... With the local real estate market slowing and a housing voucher covering two-thirds of the rent, she found she could afford a large, new home, with a pool, for \$2,200 a month.” Soon problems developed. “When her estranged husband was arrested, the local housing authority tried to cut off her subsidy, citing disturbances at her house. Then the police threatened to prosecute her landlord for any criminal activity or public nuisances caused by the family. The landlord forced the Paynes to leave when their lease was up.” In

all probability, the landlord would have the same reaction had a white tenant presented him with the same circumstances.

Under the new HUD program, it is not clear that the aforementioned landlord would be able to require a Section 8 tenant to leave at the end of a lease without facing official accusations of discrimination and, perhaps, legal action. Thus far, the new policies have been vaguely stated.

As the economy continues to flounder, minorities are hurt most. They would not be damaged by the free market, which when allowed to work is overwhelmingly color-blind. They would not be harmed by equality under the law. Minorities suffer from social engineering, which may be launched with good intentions but end in doing them harm.

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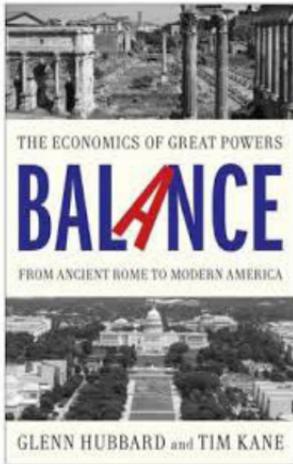
*Set aside justice, then, and what are kingdoms but great bands of brigands? For what are brigands' bands but little kingdoms? For in brigandage the hands of the underlings are directed by the commander, the confederacy of them is sworn together, and the pillage is shared by law among them. And if those ragamuffins grow up to be able enough to keep forts, build habitations, possess cities, and conquer adjoining nations, then their government is no longer called brigandage, but graced with the eminent name of a kingdom, given and gotten not because they have left their practices but because they use them without danger of law. Elegant and excellent was that pirate's answer to the great Macedonian Alexander, who had taken him; the king asking him how he durst molest the seas so, he replied with a free spirit: "How darest thou molest the whole earth? But because I do it only with a little ship, I am called brigand: thou doing it with a great navy art called emperor."*

— St. Augustine

# The Death of Empires

by Martin Morse Wooster

*Balance: The Economics of Great Powers from Ancient Rome to Modern America* by Glenn Hubbard and Tim Kane. (Simon and Schuster 2013), 296 pages.



One of the perennial questions historians address is why empires fell. In his 1987 bestseller, *The Rise and Fall of the Great Powers*, Yale historian Paul Kennedy theorized that every empire reaches a tipping point when its military is unable to police the vast amount of land under the empire's control. This "imperial overstretch," in Kennedy's view, caused empires to inevitably shrink and decay.

Kennedy's prime example is China in the 15th century. In the 28 years from 1405 to 1433, a fleet of more than 300 ships led by Admiral Zhang He went on several lengthy voyages, including two to Africa. The four-masted treasure ships, the largest ones of their time, brought spices and exotic animals to China. But after 1433 the voyages stopped. Zhang He had no successors, and China retreated from the world stage and turned inward.

What happened? For Kennedy the Zhang He episode is the classic case of "imperial overstretch." Kennedy explained that the costs of maintaining such a large navy so taxed the Chinese empire's resources that the state could not afford to maintain the costs of such a huge fleet. Kennedy felt that, after Zhang He's last voyage, the Chinese thought that a large fleet was too costly.

Hubbard and Kane think Kennedy's answer is too simplistic. They note that Zhang He's patron, Emperor Zhu Di, believed in free trade and opened China's doors to foreign investment. According to historian Louise Levathes, the emperor declared, "Let there be mutual trade at the frontier barriers in order to supply the country's needs and to encourage distant people to come" to China.

China was at the time controlled by mandarins who believed in the principles of government taught by Confucius. According to Confucius, the best form of government was one where bureaucrats led by being good moral examples, unconstrained by the rule of law. The state completely controlled the Chinese economy, private property was outlawed, and corporations were never created.

Emperor Zhu Di and his grandson, Emperor Zhu Zhanji, temporarily blocked control of China by the mandarins. But after Zhu Zhanji's death in 1436, the mandarins once again regained control. The navy was curtailed not because of its expense, but because the mandarins saw the treasure ships — and the merchants who profited from overseas trade — as threats that had to be eliminated.

Once in control, Hubbard and Kane write, “the mandarins did what any economically ignorant, myopic bureaucracy would do: they undercut their potential rivals.” By 1551 the Chinese outlawed private construction of any ship. The mandarins also outlawed imports because they saw foreign goods as a threat to the emperor's absolute rule. Why should the Chinese be allowed to have mechanical clocks,

which challenged the emperor's authority to tell the time?

It is the mandarins' rule, Hubbard and Kane claim, rather than “imperial overstretch,” that determined China's decline as a great power. The risk-averse bureaucrats “locked the Manchu institutions into inflexibility” which ultimately led to “weakness and exploitation at the hands of imperial Europeans.”

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**“The mandarins did what any economically ignorant, myopic bureaucracy would do: they undercut their potential rivals.”**

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The Chinese example is one of eight case studies Hubbard and Kane examine in this informative and important book. What they show is that time and again empires decline because taxes rise, a centralized bureaucracy emerges and becomes more burdensome and more resistant to innovation, and a once-great nation becomes calcified as it steadily declines.

Hubbard, the dean of the business school at Columbia University, and Kane, chief economist of the Hudson Institute, are weakly, not firmly, on the side of liberty. They spend the concluding chapter arguing that since the bloated welfare state cannot be rolled back, a bal-

anced-budget amendment is the best way to reduce the crippling deficit and restore economic growth. But it's likely that, given the track record of Congress, politicians would deal with the restraints of a balanced-budget requirement with draconian increases in taxes rather than any serious cuts in spending.

### Rome

However, the inside-the-Belt-way punditry in *Balance* is only one chapter of a lengthy book. Nearly all this book is history, and as historians, Hubbard and Kane are fresh and imaginative. Nearly every chapter takes familiar stories of imperial decline and shows how curtailing free markets and strengthening rule from the center of an empire ultimately led to decay.

Consider the Roman Empire. At its zenith under the rule of Emperor Trajan (ruled AD 98–117), the Roman Empire was the largest free-trade zone ever created. Moreover, the empire had two hidden strengths: cities were ruled with a light hand and were largely self-governing without interference from distant authorities; and the chief Roman coin, the mostly silver denarius, was a trusted piece of sound money whose worth was unchanged from one generation to the next.

But Roman decline, Hubbard and Kane observe, was due to “an ongoing inability to match its fiscal outlays with available revenues. Like most rich nations today, Rome made fiscal commitments that it could not square with taxation, with monetary debasement, or with dictatorial central planning.”

The first warning sign came with Trajan's successor as emperor, Hadrian (ruled 117–38). In 122 he announced that no loans taken from the state in the previous 15 years had to be repaid. To dramatize that, the loan agreements were publicly burned in an elaborate ceremony. He also decreed that any city willing to give up its independence and submit to imperial rule would have its debts forgiven as well. Scores of cities took up the empire's offer.

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**The result of Hadrian's decision was that rich Romans increasingly engaged in wildly speculative behavior.**

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The result of Hadrian's decision was that rich Romans increasingly engaged in wildly speculative behavior knowing that if they got into debt the state would bail them out. Moreover, the state increasingly became overburdened with debts —

and since bonds had not been invented yet, the debts had to be repaid quickly.

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### Diocletian's dictatorial decrees ensured that the Roman economy would largely be destroyed.

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The Roman emperors had two means to raise revenue. One of them was to collect tribute from defeated enemies, so Rome's legions increasingly were directed to endless skirmishes so that Roman forces could extract tribute from foes. The denarius was also debased, largely during the reign of Septimius Severus (ruled 193–211). In 192 the denarius was 87 percent silver; by 196, its silver content was reduced to 54 percent. The result was that massive inflation wiped out the wealth of most Romans, and merchants responded to the debasement by dramatically raising prices. Gresham's Law — bad money drives out good — was in force and decades of persistent, uncontrollable inflation severely damaged the Roman Empire's economy.

The Roman Empire in the third century was highly unstable until Diocletian became emperor in 284. He decided to solve the empire's inflationary problems. In 301 he issued a decree called *edictum de*

*pretiis*, or price controls. Merchants who raised prices above state-decreed levels were executed. Eventually nearly all businesses were nationalized.

But Diocletian's socialism didn't end there. The Romans subsequently imposed occupation controls, so that every son had to follow the trade of his father. The result of this crippling regulation was that landowners, unable to pay crushing tax burdens, abandoned the few remaining productive farms. The Roman Empire staggered along for another 150 years, but Diocletian's dictatorial decrees ensured that the Roman economy, once productive, would largely be destroyed.

### The Ottoman Empire

Hubbard and Kane don't deal only with well-known historical examples. One of their most interesting chapters concerns the Ottoman Empire. In 1600 this empire was one of the world's greatest, yet by 1800 Turkey had become "the sick man of Europe." What happened?

In the 16th century Turkey was a relatively open market. Many nations of that era persecuted Jews, and many Muslim-dominated countries persecuted Christians. Turkey welcomed Jews and Christians, and encouraged their entrepreneurial

talents. At its peak under the reign of Suleiman I (ruled 1520–66), immigrants could own property and sue Muslims in Muslim courts. Historian Amy Chua notes that non-Turks increasingly dominated many parts of the Ottoman Empire's economy, including "banking, shipbuilding, wool and tobacco production, and the luxury trades."

All this changed after Suleiman's death. His 13 successors were largely incompetents. The Ottoman Empire was increasingly dominated by the Janissary Corps, which started off as the emperor's personal bodyguards but became, like the mandarins in China, a ruling class whose sole goal was eliminating all rivals to preserve their power. Historian Sevket Pamuk explains that while under Janissary dominance, increasingly the Turkish government "took pains to preserve as much of the traditional structure of employment and production as possible. It tended to regard any rapid accumulation of capital by merchants, guild members, or any other interests as a potential disruption of the existing order."

The power of the Janissaries was broken in the 19th century. In 1807 they revolted against Emperor Selim III, capturing and killing him. His successor, Mahmud II, spent the

next two decades creating an army rival to the Janissaries.

In 1827 he used this army to crush the Janissaries, slaughtering thousands of them and ensuring that they would never again dominate the Ottoman Empire.

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The two previous centuries  
had made Turkey  
"vulnerable and weak."

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In the 19th century the Ottoman Empire had a somewhat freer economy than in the two preceding centuries. But the "institutional stagnation" of the two previous centuries had made Turkey "vulnerable and weak" and able to be picked apart by stronger European and Russian armies. Had Turkey not created economic stagnation in the 17th and 18th centuries, it might have faced the 19th in far better shape than it was.

Hubbard and Kane's trenchant analysis includes three other empires, those of Spain, Great Britain, and Japan, and two entities that are not empires, the European Union and the state of California. In each case, they show that the entities suffered from the vicious circle of a powerful bureaucracy, ensuring higher taxes and economic decline.

Studying economic history is a productive way for a reader to deepen his appreciation of liberty. In *Balance*, Glenn Hubbard and Tim Kane provide important evidence from the past to show how the unchecked growth of government inexorably leads to the decline of once-great powers.

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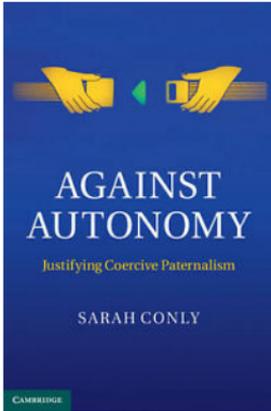
*We must remember that in time of war what is said on the enemy's side of the front is always propaganda and what is said on our side of the front is truth and righteousness, the cause of humanity, and a crusade for peace. Is it necessary for us at the height of our power to stoop to such self-deceiving nonsense?*

— *Walter Lippman*

# For Your Own Good

by John Ahrens

*Against Autonomy: Justifying Coercive Paternalism* by Sarah Conly (Cambridge University Press, 2013), 256 pages (ebook edition reviewed).



**B**owdoin philosophy professor Sarah Conly has given us a remarkably timely book. *Against Autonomy* makes an important contribution to the trending discussion of what some call the “nanny state” and others might call simply “petty fascism” (or maybe just “fascism”). It is former Mayor Mike Bloomberg’s efforts to prevent New Yorkers from drinking so much soda, or the ongoing and increasingly aggressive efforts to stop people from smoking, or the vari-

ous schemes to prevent us from carrying so much credit and saving so little for retirement, and so on and on, that Conly seeks to justify.

Conly’s basic argument is developed in the first chapter and is rooted in an undeniable fact: we (most all of us) are not very good at instrumental reasoning. We are prone to confirmation bias, unreasonable discounting of future consequences, undue optimism about the risks we face, and all the various errors in reasoning that make up the content of a typical course in critical thinking or elementary logic. As a result, we make bad choices: we smoke; we eat unhealthy food and too much of it; we run up our credit-card balances and don’t save for retirement. And those cognitive deficiencies generally are not remedied by more information, or by gentle nudges toward more rational choices. The solution is what Conly calls “coercive paternalism.” We should use the power of government to render some choices simply impossible, or at least very difficult, to make.

Through the middle part of the book, Conly attempts to defend this simple argument against a range of objections. She explains that hers is a paternalism of means, not ends. The problem for which coercive paternalism is a solution is not that

people choose the wrong ends, but that they make choices that hinder their ability to achieve the ends they themselves have chosen. For example, we choose to smoke even though we would surely number good health among our ends. She develops a novel understanding of the value of autonomy that enables her to respond to a variety of traditional objections to paternalism or coercion. And she develops criteria for determining whether or not coercive paternalism is appropriate in particular situations.

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Conly develops a novel understanding of the value of autonomy.

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But the penultimate chapter on applications, particularly the section on cigarettes, reveals the basic problems with her argument. (Full disclosure: I smoked for 35 years, I enjoyed every cigarette I smoked, including the first one, and I quit only because of illness.) Despite advancing an essentially utilitarian argument, she simply ignores all sorts of costs and imagines all sorts of benefits.

Conly concludes that it “seems reasonable to give a ban a try” because banning smoking meets the four criteria for taking a coercive

paternalist approach. A ban on smoking would promote good health and longer life, which are important goals for virtually everyone. It is likely to be effective enough to significantly reduce the number of smokers. The benefits very likely outweigh the costs; the misery of being deprived of cigarettes is more than compensated by the health and financial benefits enjoyed by those who are made to quit or prevented from starting. And the failure of other, softer efforts to prevent smoking suggests that coercion may be necessary.

### Costs and benefits

Let’s look at those claims in reverse order. That other efforts to prevent smoking have failed does not constitute a very strong reason for supposing either that a ban is necessary or that it will be effective. At various points in the book, Conly mentions the difficulties caused by Prohibition and the war on drugs. Here, she brushes those difficulties off:

Cigarettes, however, are different. For most people, alcohol and marijuana don’t appear to be as harmful as cigarettes, and we know that.... On the other hand, we do accept that

smoking is dangerous. A wholesale exclusion of cigarettes from the market would not strike us as a pointless exercise, but as something genuinely protective.

The appeal to the all-knowing “we” and its cousin “most people” is a common ploy in Conly’s book. But there are plenty of people who think liquor and pot are the devil’s own weapons. And large numbers of people in virtually every culture have embraced smoking. How, then, could a ban strike us as anything but a pointless exercise?

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**Distinguishing means  
from ends is not as easy as Conly  
seems to think.**

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And the earlier efforts to ban something for which there is significant demand are also instructive concerning the balance of costs and benefits. If the only cost is the misery of being deprived of cigarettes, then the benefits *might* outweigh the cost. But, as Prohibition and the war on drugs illustrate, the costs are much greater than that, for everyone. And concerning the effectiveness of banning cigarettes, numerous studies show that the war on drugs has had virtually no impact at

all on drug use in this country. In sum, it seems “reasonable” to ban cigarettes only if one ignores the difficulties of implementation.

The first criterion presents a somewhat different problem, more conceptual than practical. It is certainly true that smoking is an obstacle to achieving good health and longevity, ends which most of us may be presumed to have. But that does not mean that no one has chosen smoking as an end, e.g., as part of a life devoted to sensuous pleasures. That may in fact be a “bad” end according to some reasonable standard. It may well interfere with other ends the person has. But smoking is by no means the only thing people choose that suffers from those problems. Maybe people who live beyond their means and who do not save for retirement have decided to live fast, die young, and leave a good-looking corpse. Maybe gluttons have decided that a full measure of life’s sensuous pleasures is more important than longevity. Maybe adrenaline junkies — mountain climbers, race-car drivers, combat photographers, kayakers — have decided that an intense but possibly short life is superior to a long one. Distinguishing means from ends is not as easy as Conly seems to think, and neither is con-

structuring a paternalism of means rather than ends.

### “Starved specimen”

A substantial portion of the book’s 256 pages is devoted to re-thinking the value of autonomy and individuality, and the meaning of related concepts such as respect and human dignity. Conly is at pains to show that coercive paternalism is not disrespectful or a denial of human dignity. Her arguments are too lengthy and complex to take up in detail here, but I cannot resist a brief response to her discussion of John Stuart Mill.

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**Conly is at pains to show that coercive paternalism is not disrespectful or a denial of human dignity.**

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Mill, of course, is the great icon of anti-paternalism and the view that individual human beings have the right to choose for themselves the life they seek, the goals they will pursue, and the means they will use to reach their goals. According to Conly, Mill assumes that individual persons armed with knowledge and free from coercion will generally choose effective means to reach their ends. But because we are mostly very bad at instrumental

reasoning, that assumption is false. And because we reason better when we are in a “relatively objective position,” government can help us out of that dilemma.

I think Mill assumes no such thing. He does say that each person is in a better position than anyone else to decide what will give him the best life. But Mill knows quite well that not all who choose for themselves will achieve their ends. He also says in *On Liberty* that the current crop of human beings are “but starved specimens of what nature can and will produce.” Mill viewed freedom as a great experiment, by means of which we would find out how to achieve human well-being.

The point here is, rather, that we can indeed expect others, and particularly those in government, to take a “relatively objective position” with regard to *our* well-being, while they continue to take a very subjective position with regard to *theirs*. Just look at the operations of your favorite federal bureaucracy. Conly seems utterly oblivious to that. She says that her account of coercive paternalism, since it justifies coercion only to help people achieve ends they themselves have chosen, does not justify incompetent or self-serving coercion. And of course, that is correct. But I am inclined to

ask why we should expect there to be much coercion that isn't incompetent or self-serving. There certainly doesn't seem to be much now.

I could advance other criticisms of Conly's arguments, but they all derive from the same basic flaw in paternalism. The notion that people who are not very good at making decisions for themselves will be much better at making decisions for others is problematic on its face,

and it is certainly not borne out by the empirical evidence. Even so, the soldiers of the nanny state seem to be on the march these days. Insofar as Conly's book reveals their weakness, it is timely indeed.

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*Potentially, a government is the most dangerous threat to man's rights; it holds a legal monopoly on the use of physical force against legally disarmed victims. When unlimited and unrestricted by individual rights, a government is man's deadliest enemy. It is not as protection against **private** actions, but against governmental actions that the Bill of Rights was written.*

— Ayn Rand

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