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Many of life's failures are people who did not realize how close they were to success when they gave up.

— *Thomas Edison*

FUTURE OF FREEDOM

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The U.S. Executions of Charles Horman and Frank Teruggi, Part 5

by *Jacob G. Hornberger*



In 1979 Joyce Horman filed a lawsuit in U.S. District Court against federal officials for the wrongful death of her husband, Charles. The case undoubtedly caused no small amount of consternation for the U.S. national-security state because a lawsuit ordinarily entitles the plaintiff wide latitude to take oral depositions of people under oath who have some knowledge of the facts of the case.

But U.S. officials need not have been concerned. Deferring to the national-security state, the federal judiciary summarily dismissed Horman's case without permitting her to take a single deposition. They said that she had not produced sufficient evidence to support her

claims. That was clearly sham reasoning, given that any evidence of how and why Horman was murdered would be exclusively within the control of the U.S. and Chilean national-security apparatuses. The only way that Horman could have pierced the wall of secrecy and deception that surrounded the U.S. and Chilean military and intelligence world would have been to take depositions.

Not surprising is that the same thing was occurring in Chile after the coup. The Chilean federal judiciary became submissive and deferential to the Chilean national-security state, refusing for example to require Chilean officials to produce people in custody whom they were torturing or raping in response to petitions for writ of habeas corpus brought by family members.

Horman's lawsuit, however, did result in the release of some federal documents relating to the coup, including a State Department memorandum that showed that an internal investigation had been conducted into the Horman and Frank Teruggi murders. When the document was initially released in 1980, a blacked-out section of the memo included the following language:

Based on we what have, we are persuaded that:

—The GOC [Government of Chile] sought Horman and felt threatened enough to order his immediate execution. The GOC might have believed this American could be killed without negative fall-out from the USG [U.S. government]. There is some circumstantial evidence to suggest: U.S. intelligence may have played an unfortunate role in Horman’s death. [For two versions of the memo, see <http://bit.ly/1yaZjlw>.]

Obviously, that language would have been important in Horman’s lawsuit. Someone clearly didn’t want either her or federal judges to see it. I don’t see how anyone can reasonably arrive at any other conclusion than cover-up.

An important question naturally arises: Why would U.S. national-security officials have authorized, directed, or knowingly acquiesced in the execution of Horman and Teruggi?

Milgroup

In his book *Missing: The Execution of Charles Horman*, Thomas Hauser states that when Charles Horman and his friend Terry Simon were staying at a hotel in Vina del Mar after the coup began, they en-

countered an American man named Arthur Creter and a businesslike woman, who was not his wife, traveling with him, with whom they struck up a conversation.

Creter said to Horman and Simon, “I’m here with the United States Navy.”

Obviously exuberant over what was happening in Chile, Creter shared his sentiments with fellow Americans Horman and Simon. He told them that he had to come to Chile from his base in Panama. Panama, of course, was where the U.S. military’s School of the Americas was located and where U.S. military officials had been teaching that military officials have a moral duty to oust their nation’s democratically elected president from office when he or his policies pose a grave threat to national security.

Creter said to Horman and Simon, “I’m here with the United States Navy. *We came down to do a job and it’s done.*” (Emphasis added.)

Attempting to ease concerns of Horman and Simon about the coup, Creter showed detailed knowledge of it:

I’ve been in situations like this before, and all you can do is

wait it out. Don't worry, though; the coup went very smoothly. You're completely safe. It never goes this smoothly unless it's planned in advance. About four-thirty on Tuesday morning, the military mobilized and placed soldiers across the country. Half an hour later, the whole country was under military control. I talked to the U.S. military in Panama within hours of the coup, and the news had already gotten there. It spread like wildfire.... Don't worry about me though. My friends in the Milgroup will take care of me.... The United States Military Group. Its naval headquarters are in Valparaiso.

When Horman asked about U.S. ships that were in the Vina del Mar harbor, Creter responded, "Well, there are two destroyers, a cruiser, and a submarine offshore. As for the harbor ..."

That was when Creter's female companion, obviously feeling uncomfortable about Creter's loose lips, cut him off and ushered him away.

One big problem was that the U.S. government, which was headed by Richard Nixon of Watergate

fame, was steadfastly determined to keep U.S. involvement in the Chilean coup secret. Recall that CIA Director Richard Helms even perjured himself before Congress when asked about CIA involvement in the Chilean election that Salvador Allende had won in 1970.

After their encounter with Creter, Horman and Simon came into contact with Lt. Col. Patrick Ryan.

Yet here was Horman, not only a left-wing American enamored with Allende's socialist experiment but also a journalist who worked for a newspaper that focused on U.S. involvement in Chilean affairs. Compounding the problem was that Horman was investigating potential CIA involvement in the assassination of Gen. Rene Schneider, the commander of the Chilean armed forces under Allende who had stood in the way of a coup. The CIA's involvement in that assassination would not come out until years after Horman was murdered and the CIA had repeatedly (and falsely) denied complicity.

The entity to which Creter referred — U.S. Milgroup — was a U.S. military unit stationed in Chile whose mission was to cooperate

with the Chilean military. In his book, Hauser writes that after their encounter with Creter, Horman and Simon came into contact with Marine Lt. Col. Patrick Ryan, the second-in-command of Milgroup. His mindset — which undoubtedly was the mindset of the entire U.S. national-security state — was reflected in his praise of the coup some years later:

Chile is the only country in history to have defeated Communism. We tried to do it for ten years in Vietnam and lost, ran away with a bloody nose. Chile stands out like a black eye for the World Communist movement. Chile beat 'em.

Never mind that the tens of thousands of Chileans who were rounded up, tortured, raped, or murdered never took up arms against the Pinochet regime. In the eyes of both the Chilean and U.S. national-security states, that the victims believed in socialism or communism automatically made them enemies of the state — people who could legitimately be killed as part of the Cold War and the “war on communism.”

That anti-communist mindset, you will recall, was the driving force

behind the U.S. national-security state's policies and practices during the Cold War, as reflected by such federal programs as COINTELPRO and secret surveillance of Martin Luther King and other people involved in the civil rights movement.

Consider what happened to Victor Jara, a nationally renowned leftist protest singer in Chile. He was among the tens of thousands of people who were rounded up and taken to the national stadium in Santiago. After complying with a military order to sing a protest song to his fellow prisoners, Pinochet's goons smashed both his wrists and then ordered him to sing another song. And then they proceeded to brutally torture him and then kill him. The worst thing that Jara had ever done was to believe in socialism and sing songs of protest.

That the victims believed in socialism or communism automatically made them enemies of the state.

Hauser writes that Charles Horman and Terry Simon were given a ride back to Santiago by the head of U.S. Milgroup, Capt. Ray Davis, who would later be indicted by a Chilean judge for complicity in the murders of Horman and Teruggi.

During the ride back, Davis's vehicle encountered a Chilean military checkpoint. Davis simply produced his Armada de Chile card, which identified him as a member of the Chilean armed forces, and was waived through.

Capt. Ray Davis simply produced his Armada de Chile card, which identified him as a member of the Chilean armed forces.

During the ride back it was obvious that Davis didn't think too highly of Horman and that Horman didn't trust Davis. That wasn't too surprising, given that Horman represented a worldview that Davis held in contempt. In fact, think back to the secret FBI investigative reports on Teruggi, in which U.S. national-security state officials viewed him as an enemy of the state, given his opposition to the Vietnam War and to U.S. imperialism around the world. The way they viewed Teruggi and the way that Davis viewed Horman was the way that Pinochet and his goons viewed the tens of thousands of innocent Chileans who were being rounded up, disappeared, tortured, raped, or murdered.

Add to that the fact that documents later revealed that Chilean

military officials viewed Horman as a "political extremist" who was working for a "subversive" film company that was producing a film about the Allende regime at the time of the coup.

After Horman returned home, Chilean officials raided his home, dragged him away, and killed him. They did the same to Teruggi.

The coup's partner

It would not be unreasonable to conclude that U.S. Milgroup Commander Captain Davis, whom, again, a Chilean judge indicted for complicity in the murders of Horman and Teruggi and who is now deceased, gave an okay to Chilean officials to execute the Americans. After all, it is simply inconceivable that Chilean military officials would have killed two American citizens without receiving an okay from their partner, the U.S. government, especially since they were hoping that large amounts of U.S. taxpayer money would begin flowing immediately into the Pinochet regime's coffers. It stands to reason that Chilean military officials would have checked with Davis before ordering the executions, especially given that Davis's Milgroup office was located in the same building and on the same floor as the high

Chilean military officials who are believed to have issued the execution order.

But there is one caveat here. Recall the precise language of the blacked-out portion of that State Department memo: “While the focus of this memo is on Horman, the same applies to the case of Frank Teruggi.... There is some circumstantial evidence to suggest: *U.S. intelligence* may have played an unfortunate role in Horman’s death.” (Emphasis added.)

Davis was ostensibly military. That, of course, brings up the CIA, the U.S. supersecret national-security agency that arguably wields more power than any other part of the federal government, especially with respect to matters relating to “national security.”

It’s still impossible to say what the CIA was doing during the coup.

Obviously hoping to shield themselves from the horrors that accompanied the coup, U.S. military and CIA officials have long maintained they played no role in the coup. That, however, is fallacious reasoning. For one thing, the circumstantial evidence shows that, at the very least, U.S. officials played

a consultative role in the coup. However, it’s still impossible to say what the CIA was doing during the coup, given that the CIA continues to steadfastly keep its records relating to the Chilean coup secret, on the grounds, of course, of “national security.”

But there is a much more fundamental point here, one that imposes responsibility for all the round-ups, disappearances, torture, rapes, and murders, including the murders of Horman and Teruggi, squarely on the U.S. government. As the partner in the overall enterprise, stretching back to when Allende was elected in 1970 and continuing after the coup, the U.S. government was as responsible for the horrors as its partner who actually performed the dirty deeds.

Indeed, after the coup, not only did U.S. officials flood Pinochet’s coffers with millions of dollars in U.S. taxpayer money, thereby enabling him to fortify his reign of terror, the U.S. government, operating through the CIA, continued operating as a partner in Pinochet’s postcoup, supersecret international torture and assassination ring, known as DINA, which proceeded to kidnap, disappear, torture, maim, and murder countless more people as part of Operation Condor. The

assassination victims included former commander in chief of the Chilean army Carlos Prats and his wife in Argentina, and former Allende Defense Minister Orlando Letelier and his young American assistant, Ronni Moffitt, in Washington, D.C. In fact, after the coup the CIA even put the head of DINA, Manuel Contreras, who is now serving time in a Chilean jail for torture, forced disappearances, and assassination, on its payroll.

In 1976 — three years after the Pinochet coup — national security adviser Henry Kissinger, who had said back in 1970, “I don’t see why we need to stand by and watch a country go communist because of the irresponsibility of its own people,” told Pinochet, “We want to help you, not undermine you. You did a great service to the West in overthrowing Allende.”

To this day, despite the large amount of circumstantial evidence pointing in the direction of a U.S. national-security-state complicity in the execution of two innocent American citizens and the subsequent cover-up, there has not been a congressional investigation or a Justice Department investigation specifically targeting U.S. national-

security officials, subpoenaing their still-secret records, and forcing them to testify under oath. Such failure is a testament to the power that the national-security apparatus has come to have within America’s federal governmental structure.

But the problem will not go away, as much as U.S. national-security officials undoubtedly would like it to. As long as the executions of Charles Horman and Frank Teruggi remain swept under the carpet of the U.S. national-security state they serve as an open sore on the American body politic.

Despite the passage of more than 40 years, Joyce Horman and Janis Teruggi Page are still entitled to a full and truthful accounting of what U.S. officials did to their husband and brother. So are the American people.

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

NEXT MONTH:
“The Cuban Embargo and the Perversion of American Values”
by Jacob G. Hornberger

Unjust Immigration Law Is Not Law

by Sheldon Richman



As 2014 and the Democrats' control of the Senate neared their conclusion, Barack Obama issued an executive order to defer deportation of five million people who lack government papers — mostly parents of children whom the government deems citizens or legal permanent residents. Under the order, most of those folks have received permission to work. Obama increased the number of “dreamers” — children brought here by their parents who lack papers and raised in the United States — who were also made safe from deportation.

What's wrong with this picture?

I can think of a few things. Why only 5 million? The government estimates that more than 11 million

persons live in the United States without its permission. Obama presumably is focusing on the 5 million because he does not want to see them forcibly separated from their children. Good for him. That's a worthy motive and objective. So why didn't he do this years ago? Many families were split up while he dithered and played politics, falsely claiming he had no executive authority to defer deportations.

Moreover, his order does not apply to the parents of the “dreamers,” so he reserves the power to break up those families. Shame, Mr. Obama. *All* persons without papers should be protected from deportation, for reasons I will soon make clear if they are not clear already.

Also, the deferral of deportations is only temporary. But I guess we can't blame him for the fact that the next president could vacate his executive order and deport innocent people.

Another thing wrong is that Obama thinks permission to work is his to bestow. In terms of natural law and objective morality, no one needs permission to engage in production and free exchange. Governments maintain elaborate machinery to keep people from doing those things without permission (licenses and permits), and they

have the guns to enforce it. But that power is illegitimate. It doesn't matter that a majority of the people's *misrepresentatives* say otherwise.

It's admirable that Obama will remove this one barrier to industriousness. I guess he's doing what he can under the circumstances, but of course he does not favor repeal of the entire rotten immigration apparatus that makes special permission necessary.

We know he would not favor wholesale repeal because he says his order will also increase "border security." "Border security" is a term that camouflages the gross violation of individual rights entailed by immigration control. Like his political opponents, Obama is a control freak, even if occasionally he supports loosening control.

Most people have a different list of complaints against Obama's executive order. Republicans and even some Democrats oppose Obama's unilateral action. It's not so much the content of the order, they say, but the process. The legislature is supposed to legislate, and the executive is supposed to execute, so they accuse Obama of unconstitutionally legislating and failing to execute. They remind us that Obama previously said he has no authority to do what he's now done. Administra-

tion people say he is guilty of no contradiction because what he's doing today is different from what he said he had no authority to do three years ago. His political opponents respond with the equivalent of "Flapdoodle." Here's what really happened: Obama previously lied about his lack of legal authority to get pro-immigration Latinos off his back. Yes, he's that cynical. (By the way, why do Republicans and conservatives have no problem with unilateral executive authority to murder people, including Americans?)

"Border security" is a term that camouflages the gross violation of individual rights.

It's a good idea to discount everything both sides have said. In politics people say — usually with great conviction — whatever is expedient. Time horizons are short, and they have little incentive to strive for consistency, which they surely regard as the "hobgoblin of little minds."

I also wouldn't be too concerned with "process." The language of every law, including the Constitution, is subject to human interpretation, and therefore the rule of law in any political system we observe today is

really the law of men and women. As I've written before,

It's not as if the proper interpretation (whatever that may be) can be hardwired somehow to guarantee that legislators, presidents, and judges will act in certain ways, or that the public will demand it. At every point *people* will be making the interpretive decisions, including the decision over which interpretation is right.

And as Ludwig Wittgenstein wrote, "Any interpretation still hangs in the air along with what it interprets, and cannot give it any support."

The natural law

In "The Myth of the Rule of Law," legal philosopher and libertarian John Hasnas argues that since no legal language is exempt from interpretation, law can't be determinate. Another legal scholar and libertarian, Randy Barnett, agrees, at least to some extent. He calls law "underdeterminate."

Predictably, then, as Hasnas writes, there is inevitably a host of

incompatible, contradictory rules and principles.... This

means that a logically sound argument can be found for any legal conclusion.... Because the law is made up of contradictory rules that can generate any conclusion, what conclusion one finds will be determined by what conclusion one looks for, i.e., by the hypothesis one decides to test. This will invariably be the one that intuitively "feels" right, the one that is most congruent with one's antecedent, underlying political and moral beliefs. Thus, legal conclusions are always determined by the normative assumptions of the decisionmaker.... [It] is impossible to reach an objective decision based solely on the law. This is because the law is always open to interpretation and there is no such thing as a normatively neutral interpretation. The way one interprets the rules of law is always determined by one's underlying moral and political beliefs.

"The fact is that there is no such thing as a government of law and not people," Hasnas concludes. "The law is an amalgam of contradictory rules and counter-rules expressed in inherently vague lan-

guage that can yield a legitimate legal argument for any desired conclusion.”

So even if we ignore cynicism, it's no puzzle that one day Obama can find no authority to defer deportation and loads of authority the next. (In fact, he has the authority under immigration law, as libertarian columnist Shikha Dalmia and libertarian law professor Ilya Somin document.)

Government interference with the right to move is a violation of the natural law and of individual liberty.

Rather than fall into that thick-et, let's get Lysander Spooner on them all. What counts is liberty, and *lex iniusta non est lex* — an unjust law is not a law. As Spooner wrote Grover Cleveland in 1886,

Let me then remind you that justice is an immutable, natural principle; and not anything that can be made, unmade, or altered by any human power.... It is also, at all times, and in all places, the supreme law. And being everywhere and always the supreme law, it is necessarily everywhere and always the only law.

So if a president unilaterally acts to protect someone's liberty, I say bravo, because he is acting according to the natural law. And if a president acts, whether unilaterally or in concert with Congress, to violate liberty, then that president is in violation of the natural law and the people should respond accordingly.

Government interference with the right to move is a violation of the natural law and of individual liberty. It does not matter that such interference was enacted by a majority of both congressional chambers and signed by a president. It is illegal, and even an isolated refusal on the part of a president to enforce an unjust “law” is to be applauded.

(I hope no one thinks the principle of trespass furnishes justification for government control of immigration. The claim that free immigration constitutes “forced association” is nonsense. In a freed society, newcomers would be welcome on the property of many people looking for fellowship, customers, tenants, and services, as well as on nonstate public property.)

I know better than to think that Obama's executive order is the start of something big. The new Republican Congress might find a way to reverse the order. But that is no reason not to rejoice at Obama's action.

Because of it, some human beings haven't been torn from their children by jackbooted immigration thugs. I can't see how that's not a good thing.

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two other books published by FFF. Visit his blog, "Free Association," at www.sheldonrichman.com.

NEXT MONTH:

**"And the Pursuit of Happiness":
Nathaniel Brandon, RIP"**
by Sheldon Richman

Socialism is not in the least what it pretends to be. It is not the pioneer of a better and finer world, but a spoiler of what thousands of years of civilization have created. It does not build; it destroys. For destruction is the essence of it. It produces nothing, it only consumes what the social order based on private ownership in the means of production has created.

— *Ludwig von Mises*

Obamacare Racketeering and Intellectual Knavery

by James Bovard



Paternalism is a desperate gamble that lying politicians will honestly care for those who fall under their power. This axiom has been made stark with the controversy arising from a video of Jonathan Gruber, one of the architects of Obamacare, in which he admits that the administration conned the American public and blames dumb voters for the flimflam.

Gruber, an MIT economist, received a \$297,000 contract for his 2009-2010 work on health-care reform and helped lead the charge for the Affordable Care Act. In a video from an October 2013 panel at the Annual Health Economists' conference, Gruber explained how Obamacare was sold to the public: "Lack

of transparency is a huge political advantage. And basically, call it the stupidity of the American voter or whatever, but basically, that was really, really critical to get this thing to pass." In another 2013 appearance, Gruber declared that one provision of Obamacare was included because "the American people are too stupid to understand the difference."

Gruber also expressed his disdain for Americans' intelligence with a comic book he co-wrote on the virtues of Obamacare. In one panel, he boasts that "I was part of the team that came up with the reform that changed the way Massachusetts handles medical coverage for the uninsured." Congress should investigate whether Gruber's emails and comments as part of the Obamacare legislative team explicitly advocated deceptive packaging or expressed derision for the American public.

The real problem wasn't voter stupidity — it was the systemic deceit at the highest level of the Obama administration. Gruber admitted that the Obamacare "bill was written in a tortured way to make sure CBO did not score the mandate as taxes. If CBO scored the mandate as taxes the bill dies."

Gruber told his fellow economists that "if you had a law which

... made explicit [that] healthy people pay in and sick people get money, it would not have passed.” So the Obama team covered the bill in smokescreens to hornswoggle people into acquiescing to the righteous result. Thanks to sovereign immunity, neither Gruber nor other Obamacare authors need worry about being prosecuted for fraud.

Obamacare was enacted before the president’s supposed idealism became a laughingstock. Shortly before he signed the Affordable Care Act in 2010, Barack Obama told a University of Michigan audience, “When we don’t pay close attention to the decisions made by our leaders, when we fail to educate ourselves about the major issues of the day ... that’s when democracy breaks down. That’s when power is abused.” Obama also declared that “we need an educated citizenry that values hard evidence and not just assertion.”

What we really need is a citizenry that recognizes that politicians are often far more devious than their friends in the media portray them. As comedian Lily Tomlin quipped, “No matter how cynical you become, it’s never enough to keep up.”

Obama sold his health-care bill by promising dozens of times that people would be allowed to keep

their doctor and health plans. Millions of insurance cancellation notices later, no one believes the president. The mainstream media was far more gullible on Obamacare than average voters. The administration’s slippery assertions were perennially reported as “hard evidence” when they should have been portrayed as political spin.

Obamacare was enacted before the president’s supposed idealism became a laughingstock.

While Mr. Obama’s “best and brightest” have openly derided average Americans, it wasn’t “stupid” voters who built the Obamacare enrollment website that crashed and burned last year. It wasn’t “stupid” voters who vastly overestimated Obamacare enrollment. (The administration conceded in November that enrollment in 2015 will be far less than forecast.) It wasn’t stupid voters who threw private health planning into chaos with a deluge of often senseless, politically motivated federal mandates.

The selling of Obamacare was uncannily similar to Franklin Roosevelt’s huckstering on Social Security. The Roosevelt administration railroaded the bill creating Social Security through Congress in 1935

by portraying it as an insurance program that gave citizens vested property rights akin to a private contract. However, in a 1937 Supreme Court brief, the Roosevelt administration confessed that Social Security “cannot be said to constitute a plan for compulsory insurance within the accepted meaning of the term insurance” and characterized Social Security as a “public charity” program under the “general welfare” clause of the Constitution.

The Brookings Institution’s Martha Derthick observed, “In the mythic construction begun in 1935 ... Social Security was a vast enterprise of self-help in which government participation was almost incidental.” In 1979, Social Security Commissioner Stanford Ross conceded that “the mythology of Social Security contributed greatly to its success.... Strictly speaking, the system was never intended to return to individuals what they paid.” When the feds default on Social Security payments promised to current and future generations, citizens will learn too late that 10,000 political promises are worth less than one wooden nickel.

Low information experts

Democratic politicians and the so-called liberal media scrambled

to curtail the damage from Obamacare architect Jonathan Gruber’s proclamations on stupid voters and deceitful legislative tactics. A *New York Times* editorial dismissed Gruber’s comments as “impolitic,” while *The New Republic* largely exonerated him as an “independent-minded professor” devoted to the public good. However, the “nothing to see here, move along” defense is doomed to fail.

White House spokeswoman Jessica Santillo responded to Gruber’s comments: “The Affordable Care Act was publicly debated over the course of 14 months, with dozens of congressional hearings, and countless town halls, speeches, and debates.” Obama exonerated the process by declaring that “we had a year-long debate” over the proposed law.

So-called liberal media scrambled to curtail the damage from the Obamacare architect’s proclamations on stupid voters and deceitful legislative tactics.

But to assume that the process was transparent because “hearings were held” is like claiming that political campaigns are honest because “speeches were made.” It doesn’t matter how many hearings

occurred if the administration conned Congress and the American people on the key assumptions underlying the law. That is akin to prosecutors who withhold exculpatory evidence from a defendant and then insist that a wrongful conviction must not be overturned because “a trial was held.”

Unfortunately, contemporary Washington is calibrated to defer to experts who defer to politicians.

Gruber has been christened “the Oracle of Obamacare,” and he boasted in 2009 of the “black box” computer program he used to gin up the numbers to support the Obama legislative agenda. The *Washington Post* reported that one official involved in crafting the Obamacare legislative package “said Gruber and his staff of three could provide answers overnight, when it often took weeks to run the same questions through the Office of Management and Budget or the Congressional Budget Office.”

Gruber was hired to provide intellectual cover for one of the greatest power seizures of modern times. He was endlessly touted as a genius from the Massachusetts Institute of Technology — Senate Majority

Leader Harry Reid labeled Gruber “one of the most respected economists in the world.” If he had hailed instead from Appalachian State University, politicians and pundits would have asked far more questions about the “black box” that spun out the numbers to make the Obamacare legislative proposal seem nondisastrous.

Invoking a secret computer model is more suasive in today’s Washington than the tricks Merlin the magician practiced in King Arthur’s court. Econometrics has long been a tool to sanctify almost any half-witted intervention politicians favored. For instance, the farm lobby has never lacked arcane models crafted by government agricultural economists proving that America benefits from paying farmers more than their crops are worth.

Unfortunately, contemporary Washington is calibrated to defer to experts who defer to politicians, providing an intellectual Praetorian Guard for the constant growth of Leviathan. As Denver University professor David Ciepley noted, “Starting in the First World War, and much more so during the New Deal and World War II, American social scientists became part of the autonomous state themselves, helping staff the mushrooming govern-

ment agencies.” The closer intellectuals get to politicians, the more weaselly they usually become.

Playing off Gruber’s derision of average Americans, one wag suggested a new acronym — L.I.E. — for Low Information Experts. Gruber and many other professors have gotten rich by pretending that government is far more competent than it actually is. Economist Robert Skidelsky, writing about the history of modern socialism, observed that “the collectivist belief system existed independently of the facts of modern life.” The same is true of the academic cadre who profit by vindicating endless government interventions that breed chaos and dependency.

The shenanigans by which Obamacare was enacted vivify how far this nation has fallen from the Founding Fathers’ ideals. We increasingly have a caretaker democracy in which rulers dupe and punish citizens for their own good. Supposedly, voters still enjoy self-government because they are per-

mitted a token choice in who will deceive and shackle them.

Politicians do not have a divine right to deceive those they intend to benefit — or at least to control. Unfortunately, there is no such thing as retroactive self-government. Laws are not nullified after the exposure of the deceits that led to their enactment. Will the new Congress have the courage and wisdom to repeal Obamacare before it further ravages Americans’ freedom and health care?

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.

NEXT MONTH:
**“Know-Nothing Democracy on
Capitol Hill”**
by James Bovard

Power and Knowledge: Socialist and Militarist Calculation Problems

by Joseph R. Stromberg



Economist Ludwig von Mises argued (1920) that real prices arise only from exchanges of privately owned goods; having abolished such prices, socialist systems could never calculate rationally. Economist F.A. Hayek agreed with Mises that central planning would produce poverty and totalitarianism, but made the use of knowledge in society the central weakness of socialist calculation. In his view (1945), “If we possess all the relevant information, *if* we can start out from a given system of preferences, and *if* we command complete knowledge of available means, the problem which remains is purely one of logic ... the answer

to the question of what is the best use of the available means is implicit in our assumptions.”

Thus full-scale socialism would fail because “data’ for the whole society ... are never ‘given’ to a *single mind*.” (Italics added) Instead, the *data* needed for economic calculation are “bits of incomplete and frequently contradictory knowledge,” held locally and dispersed among persons. (The *single mind* reflects René Descartes’s fondness for the despotic Baroque monarchy.)

Somewhat later, Michael Polanyi and Paul Craig Roberts, reasoning from “polycentricity,” produced a third critique of socialist calculation. (These critiques, rightly ordered, are probably complementary.) Defending socialism, Polish economist Oskar Lange replied that central planners would oversee total social investment while letting markets set prices for consumer goods through trial and error. In the 1960s he claimed that high-speed computers had settled the controversy in favor of socialism.

Social knowledge misread

Philip Mirowski believes that Hayek unnecessarily complicated his account. Taking cybernetics too seriously, Hayek increasingly viewed the market as a giant quasi

computer accessing dispersed knowledge. But despite our reservations here, his treatment of “the use of knowledge in society” raised very important problems that not even U.S. military planners and secret services can escape. Parallels are many, and to solve the planners’ current problems, Lange’s computers are back, including computers surveying all computers everywhere. Getting at the militarist knowledge problem will require several steps.

The habit of waging Total War, commits the U.S. military to high-tech vandalism.

First, this problem, like the one Hayek addressed, reflects the whole intellectual context of Western modernist thought and its quest to realize Sir Francis Bacon’s power/knowledge project of predicting and controlling literally everything. Here we find such old friends as scientism, mathematical Platonism, and logical positivism, along with faith in statistically indicated scientific “laws” and denial of natures, essences, and natural necessities. Quite happy to discuss means and matter all day, scientific practitioners have seen ends — along with qualities — as subjective and be-

neath consideration. (Ends – dismissed and repressed — return as goals set by the scientists’ corporate or state employers, and Freud smiles.)

Next, America’s military inheritance provides specific historical context. The habit of waging Total War, which began with the Indian Wars and spread into all other U.S. wars, commits the U.S. military to high-tech vandalism — to obsession with means, production of destruction, and decumulation of enemy capital. Even a “defensive” war, should one ever occur, will involve a comprehensive, offensive assault on the enemy’s entire society.

Third, a permanent American war party began its institutional life around 1938. World War II was its riotous adolescence. Thence, all through the long Cold War, military-industrial planners systematized American scientific research along pernicious lines. Collaboration between military planners and scientists favored theoretical trends such as operations research, game theory, and communication theory. Statistically sophisticated mathematical Platonism took great leaps into somewhere, as these new fields arrayed their problems around some smallest abstract *unit* susceptible to indefinite mathematical

manipulation — choices, bits, signals, transactions, operations, individuals, points, and atoms (and perhaps the bodies in “body counts”). Improved computing technology raised reductionist hopes skyward. Unleashed on the world, cold abstractions deeply militarized American thought across scientific fields. (Sociologist C. Wright Mills called it “crackpot realism.”) The resulting paradigm confounds human beings with machines, and confuses thought with programmed code.

The problem stated

If socialist calculation stands under a cloud (along with “feudal” and “corporatist” calculation, as Kevin Carson points out [*The Freeman*, June 2007]), then, as already hinted, similar problems must likewise plague any grandiose project of social engineering and total control. Nowhere is this more apparent than in schemes for total planetary surveillance ordered to the Lone Superpower’s ends. A new, non-Kantian categorical imperative arises, under which every material substance in the world, sentient or otherwise, owes its inwardly held “data” to U.S. agencies. Under the current permanent emergency, those agencies may buy, steal, or torture need-

ed “data” out of recalcitrant substances wherever those entities and their (unjustly hidden) “data” are found. All of reality is under American subpoena.

Reversing the normal order of “search and seizure,” the NSA wants to know all by collecting everything there is.

The NSA is hard at work with big claims and criminal methods, which of course are *secretly* “legal.” Reversing the normal order of “search and seizure,” it wants to *know all* by collecting everything there is, first, and then evaluating the totality — somehow. Where Hegel failed, they foresee success. Evaluation involves some makeshift *filters*, including a bureaucratic division of labor and mysterious logarithms of which we hear tall tales. *Organization and computers will, it seems, provide a world of information not naturally given to a “single mind,” and also stand in for such a mind — and (biggest claim) make this “data” usable.*

Lost metric of Rumsfeld

At this point the complexity and scale of the task *do* remind us of Soviet economic planning. So how in detail have our overlords (clothed

in an impressive “mantle of science”) decided to solve their knowledge problem? Even if they seize all they want, is the raw “data,” however analyzed, likely to resemble socially usable *knowledge* of any kind? They can find your pizza receipts, but can they complete a practical syllogism? Can they *use* it for their own purposes, much less ours? Do they actually *know* anything? (Historian Edward Ingram finds that early 19th-century field reports often “reveal more about what the British thought went on in Imperial Rome than what was going on in post-Mogul India.”)

“Mathematical probability theory can never be applicable to economics, or to any other study of human action.”

Defense Department sciences mentioned above (e.g., operational planning) stress statistics and probability. But economic historian Fritz Redlich observes that “figures are not identical with any process whatsoever” but only “stand for ... the result of a process.” Applying the views of mathematician Richard von Mises (brother of Ludwig), economist Murray Rothbard noted (1961) that statistical frequency, as illustrated by tosses of dice, does

not correctly predict single throws; he concluded that “mathematical probability theory can never be applicable to economics, or to any other study of human action.” Elsewhere (1979) he described forecasts of human actions as “subjective estimates of future events.”

Criticizing recent U.S. “Signature Targeting,” military analyst Franklin C. Spinney invokes Col. John Boyd’s Orientation Theory to show “why an algorithmic template-based artificial intelligence is so stupid, and so easy to game...” Officers in the field insert current observations into an Artificially “Intelligent” program containing behavioral “indicators” to get “a subjective probabilistic calculation” resting on “deeply buried assumptions.” This “mechanistic” and “pseudo-scientific” operation is “done mathematically” with “artificial intelligence algorithms” using “statistics,” even unto the famous Bayesian ones.

Unsurprisingly, the “objective” output (= *whom to kill*) reflects programmers’ original preconceptions. Forgoing (human) orientation, ignoring change, and confounding “analysis with synthesis,” the intelligence is *artificial* and “one-sided”; worse, the template “requires the analyst to know every possible pat-

tern of a target's behaviour before the fact." Here is a doomed attempt to combine "godlike omniscience" with "mechanistic statistical analysis," which treats "the 'target' [as] an unthinking automaton.... But human beings are adaptive, thinking, creative, and therefore unpredictable creatures with a will to live."

U.S. military practice often resembles Lange's "trial and error" socialist price-setting.

With such science-based hubris, "terrorists" are discovered and American V-1 buzz bombs drone forth to kill — no doubt, artificially.

Thus, except for its lethal consequences, U.S. military practice often resembles Lange's "trial and error" socialist price-setting. (A much simpler "algorithm," sometimes used, states, after the fact, that the dead bodies on hand "must have been" enemy combatants.) Statistics-based targeting relies on speculative prediction resting on swatches of recent, barely "historical" data. Yet General and former CIA and NSA director Michael Hayden proudly helped choose human targets on such terms. In fair trade, I offer a highly reliable, predictive statement from Daniel Ellsberg (1972): "If you invite us [Ameri-

cans] in to do your hard fighting for you, then you get bombing and heavy shelling along with our troops." Ungrounded on statistical analysis, Ellsberg's proposition falls short of being a probabilistic physical "law" of science, much less pretentious "metadata," but it is *damned likely*, given things we know about Americans at war. His superior generalization derives from real-worldly empirical, historical evidence.

But how do *historians* find their "facts"? Does a historian of the United States use as his chief sources a mountain of Chicago phonebooks from 1896 to present? Do old ticket stubs from Midwestern county fairs often count as "facts" for historical purposes? (No and no.) As Charles A. Beard tried to explain in the 1930s, historians begin work within interpretive frames of reference which, by providing *context*, help them decide what items — out of potentially everything — are useful *facts* for historical purposes.

And now we have come back to *filters*. Assessing his famous psychedelic experiment, Aldous Huxley (1972) quoted Cambridge philosopher C.D. Broad: "The function of the brain and nervous system is to protect us from being overwhelmed and confused by this mass of largely

useless and irrelevant knowledge, by shutting out most of what we should otherwise perceive or remember at any moment, and leaving only that very small and special selection which is likely to be practically useful.” Mescaline removed those filters, Huxley says, leaving him overwhelmed with in-world “data.” For everyday purposes the filters were necessary and good. They helped provide context within which knowledge was relational and meaningful and *therefore* useful. Their absence was unnerving.

Very messily, human beings show free will and other traits that greatly hamper scientific prediction of their actions.

Perhaps with a sufficient number of very clever algorithms acting as *filters*, all the emails, phone calls, and every last electron in the world can become — for U.S. bureaucrats — effective sources of usable, goal-directed knowledge. More likely, our minds will find themselves drowning in information, like Huxley on mescaline, and flailing about wildly like Nixon’s “pitiful, helpless giant.”

And now we can spot some crucial *differences* separating sciences of human action from physical sci-

ences. Very messily, human beings show free will and other traits that greatly hamper scientific prediction of their actions. This is very rude of us, but we persist, despite repeated urging from scientists to behave *as if* we live inside those artificially closed systems on which science thrives and where experimental variables can be controlled. But humans and human societies are probably not such systems.

King Midas and the data

Let us assume (quite impossibly) that Science, the NSA, or Some Other Agency, has acquired all the “facts” or “data” across some entire range of human endeavor (or all endeavors). What can such people *do* then? (My suggestion: They might found an *Interdisciplinary Review of Knowing Everything*, edited from the ruins of Carthage by Donald Rumsfeld, since illusions of omniscience survive all disappointment.)

Here let us recur to our analogy. If it was impossible in principle to plan a whole economy, what did socialist “planners” in fact do? Soviet bureaucrats pretended: they allocated and misallocated resources, “met” supposed quotas, got shoddy results, and probably knew they weren’t *planning* an economy. On this precedent, what might we ex-

pect militarist planners to do with their specialist know-it-all-ism? Perhaps they can *speculate*, as Spiney seems to imply, that 30 percent of all men drinking coffee outside a mosque will react badly to a U.S. invasion. Combined with the coffee, further information “linking” these “subjects” to their cousins (very shocking) may suffice to make them targets. They need not actually *do* anything. And for this meager result we must let U.S. securitarians steer their cyber-trawler through all the oceans of communicative life.

Here we have moved beyond the *availability* of massive data to some bureaucratic single mind (as per Hayek), only to arrive at Mises’s view that the data, even if collected, *do not constitute useful knowledge at all*. (I thank David Gordon for this crucial point.)

Now if military-security bureaucracies do not quite know what they claim they know, what are the *uses* of their efforts? Alas, they are many — but mostly negative and counterproductive. Grasping for dead-certain knowledge, these people will do great harm and be happy doing it. Falling far short of their

goals, they can make life very difficult for (or unavailable to) many people for unknown time to come.

Here is a test that seems “scientific” enough: since 1945 all the king’s explosives and all his big science have not saved his many overseas projects. Historical knowledge of earlier adventures would have been a better guide to new ones offered us. This seems rather decisive, practically, and if moral terms intrude, even more so.

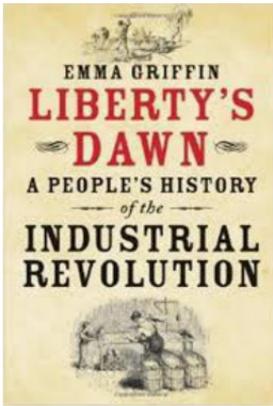
So why have U.S. securitarians assigned themselves a hopeless task? Apparently they cannot yet give up American empire and the habit of intervention. Our science-based militarists’ grasp after total power/knowledge is bad enough, conceptually, morally, and legally. As the advertised “solution” to problems arising from a foreign policy itself problematic (conceptually, morally, and legally), such Cartesian-militarist overreaching can only add novel abuses to existing madness.

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The Real Story Remains Untold

by Kevin Carson

Liberty's Dawn: A People's History of the Industrial Revolution by Emma Griffin (Yale University Press 2013), 320 pages).



Emma Griffin calls this a “People’s History of the Industrial Revolution,” and uses documentation of much the same kind as E.P. Thompson in *The Making of the English Working Class* — a work she explicitly frames her work as a counterpoint to. Since most of my comments below will be negative, let me start by commending Griffin for the scholarly effort involved in her immense and systematic reading of primary sources, and her ob-

vious sympathy for her working-class subjects.

If Thompson’s history was one primarily of the working class’s experience of the Industrial Revolution as a transformation imposed on English society from above, Griffin’s is one of the positive side of working-class experience: “an unexpected tale of working people carving out for themselves new levels of wealth, freedom and autonomy.” At the same time, she attempts to disprove that the gains of industrial growth were “bought with the blood, sweat and tears of the workers who experienced at first hand its grinding effects.”

Unfortunately, Griffin is able to frame things in this way only by leaving out the vital background — of political power structures and their historical evolution — that Thompson so ably provided. When we add this context, we find the “blood, sweat and tears” of the older radical historians come back with a vengeance.

Working people’s lives did improve during the Industrial Revolution. But they did so, not in the context of the kind of explosion of economic freedom that Griffin implies, but despite the massive intervention of the state in the economy — first in behalf of agrarian capital-

ists, and then in behalf of industrialists — in order to facilitate the exploitation of labor. The untold portion of this story — whose absence is a serious defect in Griffin's history — is the role of the state in suppressing the Industrial Revolution that might have been. So while working people did indeed experience net gains, that does not change the fact that the Industrial Revolution in a very real sense occurred at their expense.

The untold portion of this story is the role of the state in suppressing the Industrial Revolution that might have been.

One might just as easily write a history of working people's legitimate experiences of improvement in their daily lives in the industrializing USSR from the 1930s through the 1960s. But a history that depicted that improvement while ignoring the essentially statist, authoritarian, and exploitative nature of the Soviet regime, and failing to note how much more people's lives might have improved under genuine freedom, would be a severely defective one.

Griffin doesn't just omit the institutional and power context; she glosses over it in a manner reminis-

cent of *1066 and All That's* quip about the Pope and his bishops seceding from the Church of England:

At some point, the nation stopped trying to make all its goods by hand, and started to burn fossil fuels to drive machinery to do the work instead. In the process, large numbers of families gave up working the land, and moved to towns and cities to take up employment in factories, mills and mines.

Enclosure

Well, as *The Simpsons* attorney Lionel Hutz would say, that's the best kind of true — technically true! Large numbers of families did indeed give up working the land; and this, the history of their deciding to "give up," is written (if you'll excuse the reference) in letters of blood and fire. In the period from the mid 18th to the early 19th century alone — when the Industrial Revolution actually took place — Parliamentary Enclosures resulted in the theft of somewhere between a fourth and a third of arable land from the English peasantry. But even that followed on the heels of a much longer process of expropriation — rob-

bery, to speak plainly —in which the common fields were enclosed for sheep pasturage. Over a period of centuries the peasantry were robbed of customary rights in most of the land of England, transformed into at-will tenants, and then rack-rented or evicted. And that was done in the context of a state that was completely controlled, until the electoral reform of 1867, by the king in concert with the landed nobility and heavily landed Church in one house, and the rural gentry and mercantile plutocracy in the other.

The peasantry were robbed of customary rights in most of the land of England.

There is, by the way, an enormous paper trail of commentary by rural capitalist farmers themselves, in the late 18th century, calling for Enclosure on the explicit grounds that peasants with independent access to common pasture, wood, and waste could not be made to work at agricultural wage labor as hard, for as long, or as cheaply, as their betters desired them to. The Industrial Revolution took place — and industrial employers heavily benefited — against a background in which the majority of the English laboring population had been forc-

ibly robbed of independent access to the means of subsistence and production and driven like beasts into the wage-labor market.

So it borders on disingenuousness to contrast the improvement in living standards in the Industrial Revolution with the cruel poverty of the economy before, without examining the reasons for the cruelty of that old economy's poverty or the continuity of the power structure before and after. I don't think Griffin actually crosses that border, because she seems to operate from the sincere — if unexamined — assumption that subordination and hierarchy are "natural": "All working relationships are defined by a disparity between master and servant...." Griffin is genuinely unable to imagine an economic system based on anything but domination and exploitation.

As for the particular balance between small-scale manufacture and steam-powered machine production in factories, and the balance between self-employment in the countryside or small craft shops and wage labor in factories, "the nation stopped trying" is — to say the least — rather misleading.

The adoption of steam-powered machine production could have taken a considerable range of institu-

tional forms. The specific form actually taken by the First Industrial Revolution reflects the fact that a complex of interests including the newly consolidated English state, the armaments and mining industries, and enclosing landlords were the primary driving force behind the transition to what Lewis Mumford called the “paleotechnic” economy of coal, steam, iron, and Dark Satanic Mills. The actual process was a revolution from above every bit as authoritarian as Stalin’s forced collectivization and First Five-Year Plan — in it, in the words of J.L. and Barbara Hammond, English society was “taken to pieces ... and reconstructed in the manner in which a dictator reconstructs a free government.”

The entire First Industrial Revolution took place within a larger power framework in which bargaining power had been shifted in almost every way imaginable from workers to employers. If workers could leave an employer and find a new situation, as Griffin argues, they nevertheless did so in a situation where the labor market was far more of a buyer’s market, and far less of a seller’s market, than would have arisen spontaneously.

As Franz Oppenheimer argued in *The State*, economic exploitation becomes possible only when wage

employers no longer have to compete against the readily available alternative of self-employment. And all the concerted efforts of the state, in league with the employing classes, had been directed toward just that end on the eve of the Industrial Revolution.

The state continued to enforce a host of police-state measures.

Even after most of the actual land expropriations had taken place, the state continued, as the Industrial Revolution progressed, to enforce a host of police-state measures including what amounted to a Soviet- or South African-style internal passport system. The latter itself resulted from the Laws of Settlement, which prohibited workers from leaving the parish of their birth in search of work without the permission of parish Poor Law authorities. Meanwhile, those same Poor Law authorities came to the aid of mill owners facing a labor shortage in the industrial North by shipping paupers (especially children) by the gross to work in other parishes on terms negotiated entirely between the employers and Poor Law authorities.

Other police-state measures included restrictions on freedom of

association like the Combination Act and various statutory suppressions of friendly societies — enforced by administrative bodies using prerogative-law procedures and without any common-law guarantees for the accused — and a number of restrictions on freedom of speech and public assembly passed during the Napoleonic Wars.

A different England

If wages were rising, as both Clapham and Griffin have apparently demonstrated, they nevertheless rose despite a whole interlocking system of mechanisms consciously designed, with all the resources available to employers in league with the state, to prevent them from doing so. The entire improvement in working people's lives resulted entirely from the share of increased productivity left over after the privileged classes had skimmed their rents off the top. If workers experienced a net benefit from their small slice of the increased productivity pie, employers and investors received most of the pie as beneficiaries of the institutional framework within which the Industrial Revolution took place. The fact that the working class was able to improve its lot, despite all the massive outrages against human decency described

above, says everything about the tenacity and resilience of the people themselves and the ability of the human spirit to triumph over oppression. It says nothing whatsoever about the benevolence or justice of the framework within which ordinary people were forced to operate.

The fact that the working class was able to improve its lot, says everything about the tenacity of the people themselves.

So although Griffin calls the Industrial Revolution “liberty's dawn,” she ignores the obvious question: What were the nature, causes, and effects of the previous sunset and night of liberty, against which the Industrial Revolution took place?

Imagine, on the other hand, the form the Industrial Revolution might have taken in an England where most of the rural population had defined property rights to periodically reapportioned strips in the open fields, under village custom, and even landless peasants might survive in relative comfort by building cottages on the waste and foraging from common wood and fen. Imagine an England where would-be factory employers had to appeal to a population so independently situated by offering them wages and

working conditions more attractive than the forms of self-employment readily available to them. Imagine a working class able to move from parish to parish without permission, instead of being auctioned off by Poor Law authorities to factory owners in what amounted to a slave market. Imagine a working class able to freely associate, to form unions, to organize production in cooperative shops, and to provide strike funds and other forms of mutual aid — all without being criminalized for it or having to do so underground.

The resulting society would have been one in which it was the worker, and not the employer, who had the freedom to step away from the bargaining table, and the main limiting factor in economic activity would have been the need to make it worthwhile for the worker to work — not to offer sufficient profit to motivate the capitalist.

In the actual history of the Industrial Revolution, Thomas Hodgskin argued in the 1830s, the main reason production didn't take place is that land and capital were held idle for want of a sufficient rate of profit to satisfy the propertied classes who had enclosed them for rent. In a society where the laboring classes had retained ownership of

most land and capital, and put them to productive use under their own direction, the only thing governing whether they were put to use would have been whether the output of the labor would have been enough to support the laborers themselves, and not a superfluous class of rentiers. This is the productive free-market economy that would have evolved, without the fetters on production and deterrence to effort resulting from the expropriation and upward redistribution of wealth.

This — and not the totalitarian monstrosity of the actual period surveyed by Griffin — is what a genuinely free economy and society would have looked like. And it's hard to find any more polar opposites than the England of actual history and this free England of the imagination.

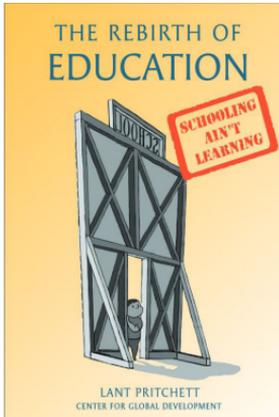
So despite Griffin's impressive labors and sympathetic readings in primary resources, in the end the story she tells is overshadowed by the one she didn't tell.

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Children Learn More from Starfish Than from Spiders

by Pauline Dixon

The Rebirth of Education: Schooling Ain't Learning by Lant Pritchett (Center for Global Development 2013), 288 pages.



This book, which indicts centralized state schooling in the developing world, engages you from beginning to end. Examples from Pritchett's own experiences in India and his use of Ori Brafman and Rod Beckstrom's spiders and starfish tropes to differentiate centralized from decentralized organizational structures set up the foundation of a really inter-

esting, well-thought-out read and argument. The book is not only well written, but every chapter is interesting, specifically targeted to consider a problem. The use of extensive examples backed up by data from many sources allows Pritchett to formulate a solid and convincing argument.

The centralized spider organizational structure is one that is typically seen in education today. A spider uses its web to expand its reach, but with every vibration, the information needs to be processed, acted on, and relayed back so that the spider's brain at the center can decide the action to be taken. The spider system grew out of the highly decentralized starfish system, which existed in early centuries. However, when a spider system breaks down, as is currently the case in developing countries, parents move their children to low-cost private schools in a parallel starfish system.

But it's not all doom and gloom in this book. An adult in the average developing country in 2010 had more years of schooling than the average adult in a developed country in 1960. And policy changes (such as conditional cash transfers and the elimination of user fees) over the last few years has gotten children into school.

The bad news is that learning has not improved now that they are there.

Pritchett points out at length that it isn't the amount of time one spends in school that is important, but the learning that goes on there. There is indeed a very nice quotation at the end of chapter one which states that "time served is how we characterize prison terms, not education." Taking data from India and Pakistan, Pritchett shows how "flat" the learning profile of developing countries can be. For example, according to data from the Annual Status of Education Report in India, half the children who could not do a math problem in second grade still cannot do the problem in fifth grade! Three years on, half the children have made no progress.

Using data from the Program for International Student Assessment (PISA) and Trends in International Mathematics and Science Study (TIMSS) to compare how children in developing countries perform shows that in some states in India, children do not even attain the minimum score to get them on the standardized scale of 1–6. Children cannot answer enough questions to be placed on the scale. They receive a zero! More statistics and data are given to illustrate flat learn-

ing. The point is made that these scores are bad, but they don't even include children who have dropped out of school or do not attend school at all. Testing typically focuses on enrolled students rather than on the age cohort. So in reality things are even worse.

It isn't the amount of time one spends in school that is important, but the learning that goes on there.

There is a slow pace of learning in the developing world. Completion of primary education provides very few children with even the most adequate of skills. School is not preparing children for life.

So what to do? Pritchett believes that asking for more schooling is generally the solution offered for the problem of too little learning. That's the easy answer, but it's the wrong answer.

"More" is not the solution when learning remains flat. The data show that if a country has a shallow learning profile, expanding the years of schooling will move the children forward only very slightly. Again, that is expertly illustrated by using household surveys, international tests such as the TIMSS and PISA, and learning-pace calculations.

So more “schooling” is not the answer. How about “more” inputs — teachers, desks, books, toilets? More inputs need more funding, which some argue implies more quality. However, the learning gap cannot be filled with inputs. In chapter three Pritchett looks extensively at the literature to address this issue and states that over a 10-year period, children’s scores would increase by only one-tenth of a standard deviation. Increasing resources such as desks, smaller class sizes, teacher training, diplomas for teachers, textbooks, and electricity, per se, have very little to no statistically significant impact on measured learning outcomes. Expanding inputs and spending alone cannot be the centerpiece of a strategy to improve learning

Pritchett uses rigorous evidence to illustrate the idea of “camouflage” and how the spider can make it look as though changes are occurring. As he puts it, “Buildings that look like schools but don’t produce learning are a façade that deludes children and parents into believing they are getting an education while depriving them of real opportunity.” This camouflage allows a failing spider system of education to con-

tinue. When there are threats to the status quo, the spider avoids change by showing that it is pursuing simple, cosmetically attractive camouflaged objectives. How long can it continue? How many more children will leave school without an education? Without learning?

It’s now time to stop the camouflage and instigate the rebirth of education.

The system needs to be fixed

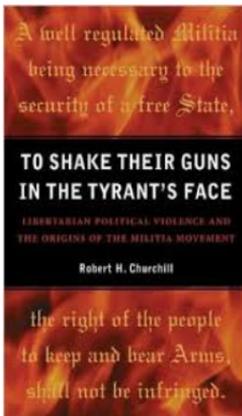
It is the system that needs reforming. We need schools that create viable opportunities for children by promoting learning. That can best be met by decentralized starfish systems. The system design needs to promote appropriate scaling up by looking at the how, who, what, and why. According to Pritchett, basic education needs to be an open, competitive, locally controlled, performance-pressured, professionally networked, and inclusively supported starfish system. When the system is right, learning can take place.

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Libertarians and Political Violence

by Jared Labell

To Shake Their Guns in the Tyrant's Face: Libertarian Political Violence and the Origins of the Militia Movement
by Robert H. Churchill (University of Michigan Press 2011), 384 pages.



Discussions regarding the legitimate use of force are not limited to any single ideology. Perhaps the defining quality of any political movement vying for validity is its position on the permissibility of violence by individuals and the state. Although such conversations vary on the spectrum from mainstream to fringe political discourse, those outside the dominant political caste

aren't extremists for questioning the state's monopoly on the use of force. Libertarian political theory is particularly concerned with this issue; championing peaceful interaction and private property rights, commonly exemplified by the nonaggression principle. But libertarians also differentiate nonaggression from the legitimate use of force in defense of persons or property against other individuals or the state.

Libertarianism is distinct in its view of the relationship between individuals, the state, and violence — or the absence thereof — in society. To that end, Prof. Robert H. Churchill's *To Shake Their Guns in the Tyrant's Face* surveys the history of libertarian political violence in America by outlining several historical events of unprecedented resistance to state power invoking the insurrectionary violence epitomizing the late 18th century. Churchill gives context to the development of libertarian political theory in this narrow respect by analyzing how those lessons reverberate as much today as the fire of muskets by their antecedents.

Insurgent violence as political theory and the Revolution as living memory

The package of legislation emanating from the Parliament in the

spring of 1774 were known as the Coercive Acts, an attempt to quell an unwieldy Massachusetts mere months after some of Boston's residents relieved the British East India Company of its tea into the harbor. The libertarian memory of the American Revolution is defined by Churchill as, "a struggle to defend liberty against a corrupt and abusive state" and "to protect liberty by enforcing inviolable constitutional restraints on the power of the state."

Resistance to Parliament took two familiar libertarian forms. The first approach was an economic boycott led by the nonimportation movement. The other approach was most pronounced in Massachusetts and clearly articulated in the Suffolk Resolves. Churchill notes that they stressed the infringement of liberty and the right to self-government as galvanizing factors for opposition, rather than the well-known matters of taxation and representation focused on by the nonimportation movement and commonly repeated today.

Jonathan Mayhew's *Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers* was the first American declaration of this libertarian resistance. Mayhew's *Discourse* asserted deference to just authority, irre-

spective of the form of government. He argued that dissent was legitimate when people resolved that authorities had grown oppressive and "therefore disobedience to them is a duty, and not a crime" in such a moral crisis. Thomas Jefferson would echo similar analysis in July 1774 with *A Summary View of the Rights of British America*, castigating the emerging "Parliamentary tyranny," among other grievances.

Mayhew argued that dissent was legitimate when people resolved that authorities had grown oppressive.

Americans referenced the Suffolk Resolves in April 1775 as individuals agreed to arm, organize militia, and train under arms for the first time. The Continental Congress attempted to represent both the nonimportation and insurrectionary movements, subordinating grievances of the latter to the former, but that sentiment was reversed by Jefferson and the Declaration of Independence. The application of Whig ideology persisted in American political theory because "it offered a critique of oppressive government and state violence that would continue to apply to the acts of a fully representative

republican polity,” Churchill asserts. The standing army remained the most severe threat to liberty in the view of 18th-century Whig politics and continued as debate raged between Federalists and Anti-Federalists over ratification of the Constitution in 1787-88.

Libertarians know a litany of critiques of Lincoln’s administration.

Churchill underscores the libertarian memory of the Revolution with an analysis of Fries’s Rebellion and the Alien and Sedition Act crisis of 1798-99. A majority of Democratic-Republicans agreed on long-standing Whig analysis of the political crisis, but were less unified by solutions. Moderates proposed constitutional measures — petitioning and voting — while radical elements chose nullification and armed opposition. Summer and fall 1798 were filled with militia, Independence Day celebrations, and the mixing of political meetings with firearms as the Virginia and Kentucky Resolutions of 1798 were introduced, representing a fusion of moderate and insurrectionist opposition.

Although Democratic-Republicans made the Alien and Sedition

Acts the cornerstone of their nullification campaign, Churchill explains that only six individuals were prosecuted prior to Fries’s Rebellion, and their insurgency focused on the house tax directly affecting their lives by Federalist tax assessors. Public backlash moderated Democratic-Republicans, signaling abandonment of sustained hostility to the Alien and Sedition Acts and tax collection for electoral politics and the inauguration of Jefferson. Although constitutional measures became the preferred method of dissent as the republic matured, insurrectionary politics would once again be unfurled.

Civil War dissenters, 100% Americanism, and the Brown scare

Churchill characterizes the period from the Civil War until the Cold War as refashioning patriotism and cleansing the libertarian memory of the Revolution from the public sphere. Libertarians know a litany of critiques of Lincoln’s administration, and conscription factored heavily in political opposition from 1861 to 1865. Rather than basing resistance to conscription on individualist principles, dissent was suffused with white supremacist rhetoric and hostility towards the Emancipation Proclamation and

abolitionism. Others were concerned with economic hardship brought on families of those conscripted. Lysander Spooner, the great libertarian abolitionist, is one of those contemporary voices to be applauded for recognizing both the evils of slavery and the tyranny of conscription, serving as a counterweight of principled dissent during the Civil War.

The 20th century was the fulfillment of recasting patriotism in America.

The 20th century was the fulfillment of recasting patriotism in America, displacing the memory of the Revolutionary era with the birth of the state. “One hundred percent Americanism” grew from this celebration. Patriotism meant loyalty to the state and greater interest in preserving the nation rather than liberty for all.

The reemergence of the KKK and its ideological cousin the Black Legion was fueled by the Great Depression, centralization of power by Roosevelt’s New Deal, and influx of immigrants to the United States. The Black Legion sought to overthrow the government and then inflict state violence onto those deemed undesirable, repurposing

the Revolution with their own blend of nativist, anti-communist, and patriarchal ideology.

Revelations of such plots were received by the public as avowedly un-American, leading to the Brown Scare, scapegoating, and a rejection of political violence. Academic condemnation of extreme political positions made the far Right and far Left outcasts in the Cold War political system. Churchill notes that transformation as best symbolized by the New Deal-era construction of the Jefferson Memorial, which leaves out Jefferson’s articulation of the right of revolution in its commemoration of the Declaration of Independence.

Emergence of the militia movement and resurrection of libertarian political violence

Churchill’s work differentiating two competing models of late 20th-century militias is significant. Constitutionalists formed public militias with open membership, their perception of government informed by Whig and libertarian ideology to publicly deter the state by a show of arms. As Churchill exhaustively documents, constitutionalists were deeply committed to inclusivity, sometimes leading to violent confrontations with the sec-

ond faction: millenarians organized in leaderless cells without open public participation, which held darkly apocalyptic, bigoted, and often conspiratorial worldviews. Although quite different in structure and ideology, these militias were united by the reason for their formation: the militarization of domestic law enforcement.

Two events rekindled this libertarian memory of the Revolution: the 1992 siege in Idaho at Ruby Ridge and the 1993 raid on the Davidians near Waco, Texas. The Oklahoma City bombing — Patriots’ Day, April 19, 1995 — was the high-water mark for the militias. Although constitutionalists correctly blamed millenarians for the plot and harboring accomplices of Timothy McVeigh, their numbers waned, declining further following George W. Bush’s election. Churchill shows that conflating the disparate groups is incorrect and to call either exemplars of libertarianism is even further from the truth.

Libertarian political violence today

Murray Rothbard wrote in *For a New Liberty*, “If, as libertarians believe, every individual has the right to own his person and property, it then follows that he has the right to employ violence to defend himself

against the violence of criminal aggressors,” and furthermore, “While opposing any and all private or group aggression against the rights of person and property, the libertarian sees that throughout history and into the present day, there has been one central, dominant, and overriding aggressor upon all of these rights: the State.” Jacob H. Huebert wisely notes in his 2010 book *Libertarianism Today*, “More gun freedom and more widespread gun ownership would not force the government to fully respect libertarian rights — it did not do so even in the founding era — but it would serve as a preventative measure against the worst possible government offenses.” Radley Balko and Will Grigg consistently document that the militarization of domestic police hasn’t ceased in the years since the modern militias formed for that exact grievance.

“The libertarian sees that ... there has been one central, dominant, and overriding aggressor upon all of these rights: the State.”

Fellow libertarians would be mistaken to look back on the history of libertarian political violence in America and conclude that the events should be uniformly cele-

brated or denounced, as comprehensively detailed by Churchill's *To Shake Their Guns in the Tyrant's Face*. The history of taking up arms against the state is multifaceted, as Churchill notes, "the invocation of the past to justify present action is a perpetual theme in American politics. It need not, however, command our deference. If there is a point at which the practice of history departs from the practice of collective memory, it is in the recognition that no word or deed from ages past can in and of itself justify the recourse to violence in the present."

Mindful of historical context and present concerns of state violence, libertarians would benefit from openly discussing the parameters of protecting individual liberty with violent force against the state's usurpations. Although an example not covered in the text, libertarians should consider Lysander Spooner's 1858 call to arms in *A Plan for the Abolition of Slavery (and) To the Non-Slaveholders of the South*, where he outlines a plan to reclaim the liberty of the enslaved

by means of asymmetric warfare against the slaveholders of the South, carried out by black slaves, free southerners, and northern abolitionists. A balance must be struck, however, between principles, morality, proportionality, and practicality as libertarians reflect on this and the just use of force to defend liberty against tyranny. Perhaps Maj. Gen. Smedley Butler's oft-quoted 1935 pamphlet *War Is a Racket* is another good starting point for deliberation, as he wrote, "There are only two things we should fight for. One is the defense of our homes and the other is the Bill of Rights. War for any other reason is simply a racket."

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