
FUTURE OF FREEDOM

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By perseverance the snail reached the ark.

— *Charles H. Spurgeon*

FUTURE OF FREEDOM

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The Future of Freedom Foundation is a nonprofit educational foundation whose mission is to advance liberty and the libertarian philosophy by providing an uncompromising moral, philosophical, and economic case for individual liberty, free markets, private property, and limited government.

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The Stultification of American Conscience

by *Jacob G. Hornberger*



One of the fascinating consequences of public (i.e., government) schooling is that it molds the minds of children in such a way that by the time they become adults, their minds inevitably mirror whatever narrative the authorities happen to be advancing at any particular time. In fact, the indoctrination is oftentimes so effective that most of them have no idea what has been done to them. They end up with consciences that are stultified, characterized by a lack of ability to recognize evil or moral wrongdoing within their very own government.

One of the major distinguishing characteristics of libertarians is that we have succeeded in breaking through this indoctrination. I recall the day that happened to me. It was

the day I discovered libertarianism. As I was reading a series of pure, principled, unadulterated libertarian essays, I could tell that the several inches of thick indoctrination that encased my mind were shattering apart. Suddenly, I could see reality for what it was with respect to the nature of liberty and the role of the federal government in our lives.

A good example of this phenomenon is the crisis in Ukraine, and so I would like to key off that to demonstrate the big problem we face in America. It is a problem in which the conscience and consciousness of all too many people have been stultified and paralyzed, owing largely to what was done to them by the state for so many years in government schools.

In the days preceding the Russian invasion and then after the invasion itself, U.S. officials initiated a gigantic propaganda campaign in which they expressed great sympathy for the Ukrainian people and deep antipathy toward Russia and its president, Vladimir Putin. Almost on cue, American statists immediately adopted that mindset, vehemently coming to the support of the Ukrainian people and expressing severe opposition to Russia and deep hatred for Vladimir Putin. Americans from all walks of

life suddenly and immediately began supporting any and all efforts by the federal government to assist the Ukrainians in their war against Russia.

What about Iraq and Afghanistan?

So, what's wrong with that? Nothing, except for one thing: the response of those same Americans was totally different when the Pentagon and the CIA did the same thing to Afghanistan and Iraq that Russia is doing to Ukraine. During those invasions, the U.S. government's propaganda campaigns were oriented toward bending people's minds toward supporting the invaders, not the victims of the invasions. On cue, people immediately came to the support of the troops. In fact, two of the most popular mantras in U.S. history, both of which were recited all across the land on practically a daily basis, were: "Support the troops" and "Thank you for your service."

Just recently, I was boarding a plane at a domestic airport. The boarding agent called on active-duty personnel to board before most everyone else. Why? Because the airline was essentially honoring the troops and thanking them for their "service." Would they do the same for Russian troops? Of course

not. Yet, what the U.S. troops were doing in Afghanistan and Iraq was no different from what Russian troops are doing in Ukraine.

Recall that after the invasions of Afghanistan and Iraq, any American who opposed such invasions was immediately besieged by vicious attacks by those who immediately came to the support of the invaders. The Dixie Chicks come to mind. So does Linda Ronstadt. Both of them were viciously attacked for daring to challenge the official narrative. Here at FFF, we were inundated with hate mail for opposing both invasions.

What the U.S. troops were doing in Afghanistan and Iraq was no different from what Russian troops are doing in Ukraine.

Permit me to share with you another personal example of this phenomenon. After the U.S. invasions of Afghanistan and Iraq, where U.S. troops were wreaking untold amounts of death, suffering, impoverishment, and destruction, officials in my church would exhort the congregation on Sundays to "support the troops, especially those in harm's way." I would periodically send an email to my church minister asking why we were never ex-

horted to pray for the victims in Afghanistan and Iraq. After all, there is no doubt that today, people wouldn't hesitate to pray for the victims in Ukraine. Why not pray for the victims in Afghanistan and Iraq in the same way?

I never received an answer to any of my emails, but I am confident that my minister was totally befuddled over why I would ask such a question. After all, I am an American. America was at war in Afghanistan and Iraq. Wouldn't any patriotic American support his own soldiers rather than the people those soldiers were killing and maiming? Why in the world wouldn't any red-blooded American Christian support his own government's troops?

Deferentials

In my new book, *An Encounter with Evil: The Abraham Zapruder Story*, I have a chapter entitled "Deferentials." This is a label I put on people who automatically defer to the authority of the federal government, especially the national-security branch of the government — that is, the Pentagon, the CIA, and the NSA. For deferentials, in matters relating to "national security," there is never any challenging of the national-security establish-

ment. Whatever narrative federal officials are putting forth is automatically adopted by deferentials. They are simply unable to engage in critical thinking and analysis which might lead them to challenge, question, or oppose at a fundamental level what their officials are doing.

Whatever narrative federal officials are putting forth is automatically adopted by deferentials.

Consider Iraq, for example. The minute that George W. Bush and the people in his administration announced that Iraqi dictator Saddam Hussein, who was a former U.S. partner and ally, was preparing to unleash "mushroom clouds" over American cities, deferentials automatically supported his decision to invade Iraq. There was no critical thinking or questioning of the narrative. The notion that Bush and his people could be lying was simply inconceivable.

After it was discovered that Saddam Hussein had no WMDs at all, there was virtually no support for an independent investigation into whether Bush and his people had knowingly and intentionally misled the American people as a way to induce them to support his invasion

of Iraq. The fact that countless Iraqi people had been killed, maimed, or injured or had their homes, businesses, cities, and villages pulverized was irrelevant.

In fact, it was actually worse than that. After what they called a “mistake” had been realized, U.S. forces remained in Iraq for several more years, killing, torturing, and maiming people and destroying their country. Yet, hardly anyone asked why Bush wasn’t apologizing for his WMD “mistake” and ordering the troops home immediately after the “mistake” had been realized. The new narrative became that the troops were bringing “freedom” to Iraq, and people’s mindsets immediately bent to that new narrative.

Hardly anyone asked why Bush wasn’t apologizing for his WMD “mistake” and ordering the troops home immediately.

Consider what happened prior to the U.S. invasion of Iraq. For more than ten years, the U.S. government was killing innocent Iraqi children through one of the most brutal systems of sanctions in history. When U.S. ambassador to the UN Madeleine Albright was asked whether the deaths of half-a-mil-

lion Iraqi children from the sanctions were worth it, she replied that, yes, they were “worth it.”

There was almost no moral outrage among the American people, either to her statement or to the massive death toll in Iraq from U.S. sanctions. I say “almost” because libertarians opposed the sanctions. So did a man named Bert Sacks from Seattle, who intentionally violated the sanctions by taking medicines and other supplies to the Iraqi people. The feds fined him \$10,000 for daring to violate their sacred sanctions. They hounded him for years but in the end were not able to collect a dime from this heroic man, who obviously had a highly operating, well-formed conscience.

The narrative in Afghanistan became that the Taliban had “harbored” Osama bin Laden. Defendants never challenged the Bush administration on what it meant by “harboring.” They just assumed that harboring meant that the Taliban regime was knowingly complicit in the 9/11 attacks, either directly or as accessories-after-the-fact. Yet, the reality was that there was never any evidence that the Taliban regime was complicit in those attacks in any way.

What the Taliban had refused to do was comply with Bush’s uncon-

ditional extradition demand, which they had every right to do, given that there was no extradition treaty between Afghanistan and the United States. Their legally justifiable refusal to comply with Bush's demand was what the Bush people called "harboring." Ever since then, deferentials have convinced themselves that it was okay for U.S. forces to invade Afghanistan and wreak untold amounts of death and destruction — much more so, in fact, than Russia has wreaked in Ukraine.

The White Rose

Of all the essays I have written over the years, my favorite is "The White Rose: A Lesson in Dissent." It is about a group of students at the University of Munich during World War II. It was led by a brother and sister named Hans and Sophie Scholl. They began secretly publishing and distributing essays that called on the German people to rise up against the Hitler regime, including by not supporting the troops. It was the first time that dissent had erupted publicly in Nazi Germany, and it was happening in the middle of the war.

What fascinates me about the White Rose is that the students, who were Christians, were able to recognize the evil within their own gov-

ernment and then have the courage to take a stand against it. Most other Germans were unable to do that, primarily because they were deferentials. In their minds, in wartime, the good citizen immediately comes to the support of his government (which they considered synonymous with the nation) and its troops. He certainly does not engage in any sort of critical thinking to figure out whether his government is in the right or the wrong.

Deferentials have convinced themselves that it was okay for U.S. forces to invade Afghanistan.

The story of the White Rose is depicted in a movie called *Sophie Scholl: The Final Days*, which I highly recommend. If you watch the movie, pay particular attention to the courtroom scene. You'll see the presiding judge berating the members of the White Rose for being bad citizens who obviously had had poor upbringing. His mindset is 100 percent sincere.

Another good movie about the Nazi regime is *Downfall*, which was about Hitler's final ten days before his suicide and revolved largely around Hitler's personal secretary, Traudl Junge. At the end of the movie, I was stunned to see the real

Traudl Junge (that is, not the actress who played her in the movie) appear on screen and say that after the war, she had discovered the story of Sophie Scholl, who had been about her same age. At that point, she realized that she should have engaged in the same critical thinking in which Sophie, her brother, and the other members of the White Rose had engaged.

Today, most every American would extoll the story of the White Rose. They would praise the insights and courage of Hans and Sophie Scholl and their friends.

But the problem is that when it comes to their own government, the mindsets of all too many Americans is the opposite of that of the members of the White Rose. Instead, their mindsets are the same as the mindset that most Germans had toward their own government during World War II.

In other words, it is easy to identify and confront evil when it exists in foreign regimes. The perfect manifestation of that is with respect to Nazi Germany. Americans can easily identify and condemn the evil of the Nazi regime. Another good example is Russia's invasion of Ukraine. Americans can easily identify and confront the evil of what Russia has done, at least when

that is the official narrative of the federal government.

But what many Americans are unable to do is identify and confront the evil within their very own government.

What many Americans are unable to do is identify and confront the evil within their very own government.

For example, at some point after the CIA was established, it knowingly hired people who had loyally served the Nazi regime. When that fact came to light, it was met by a collective ho-hum among American deferentials. There was no outrage or moral indignation. As far as I am concerned, when that was discovered, the American people should have risen up en masse and demanded the immediate abolition of the CIA.

After they hired those former Nazis, the CIA engaged in drug experimentation on people who didn't know the CIA was doing that to them. Yet, when that secret program, which was entitled MKULTRA, came to light, along with the CIA's knowing destruction of all MKULTRA records, the response among many Americans was one of indifference.

NATO, Ukraine, and Cuba

Let's go back to Ukraine. While there has been tremendous moral outrage and indignation against Russia, there has been virtually no criticism of the U.S. government for its role in bringing about the crisis. Once again, deferentials are unable to do that.

At the ostensible end of the Cold War, NATO should have gone out of existence, given that the Soviet Union had been dismantled. Instead, led by U.S. officials, it embarked on a campaign of absorbing former Warsaw Pact countries, which enabled the Pentagon and the CIA to establish nuclear weapons, military bases, troops, and weaponry ever closer to Russia's borders. For the past 25 years, Russia has been objecting to this eastward expansion and making it clear that Ukraine, which is on Russia's border, was a "red line" for Russia, one that it would not permit to be crossed. U.S. officials knowingly, deliberately, and intentionally ignored Russia's concerns and its "red line." When U.S. officials made it clear that NATO was amenable to accepting Ukraine's application for membership into NATO, Russia was placed in a position of choosing between permitting U.S. missiles, bases, troops, and weaponry to be

established on its border or invading Ukraine to prevent that from happening.

U.S. officials knowingly, deliberately, and intentionally ignored Russia's concerns and its "red line."

Russia chose option 2. Not surprisingly, U.S. officials immediately began exclaiming that Ukraine, as a sovereign and independent nation, had the "right" to join NATO if it wanted. The clamor was immediately adopted by deferentials, who, of course, never asked the obvious question: Even though Ukraine is a sovereign and independent country, is membership in a Cold War dinosaur entity like NATO worth the lives of tens of thousands of innocent people? In other words, in the final analysis, knowing for certain that Russia was going to invade, U.S. officials and their governmental counterparts in Ukraine placed a higher value on NATO than they did on the lives of the Ukrainian people.

In my new book, *An Encounter with Evil: The Abraham Zapruder Story*, I examine the Cuban Missile Crisis. Throughout that crisis, the Pentagon and the CIA were pressuring President Kennedy to invade

Cuba because the Soviet Union had installed nuclear missiles there.

But wait a minute! What about all that fancy verbiage about Ukraine being a sovereign and independent country? What about Cuba? Doesn't the same principle apply to Cuba? Why doesn't it have the "right" to make the same alliances with other nations that Ukraine does? If Ukraine has the "right" to join NATO and have U.S. nuclear missiles on Russia's border, why doesn't Cuba have the right to join with the Soviet Union or Russia and have Russian nuclear missiles 90 miles away from American shores? Yet, we all know for certain that the Pentagon and the CIA would never permit that to happen. They would immediately invade Cuba to prevent it from happening, just as Russia has invaded Ukraine to prevent U.S. nuclear missiles from being established on Russia's border.

If Ukraine as the "right" to join NATO and have U.S. nuclear missiles on Russia's border, why doesn't Cuba have the right to join with the Soviet Union?

Those are the types of things that are never considered by deferentials. They simply are mentally

incapable of doing any analysis that challenges the Pentagon, the CIA, or the NSA at a fundamental level. Their stultified consciences will simply not permit them to think in that direction, especially given that, in their minds, the Pentagon and the CIA have risen to the level of a god, one that can do no wrong when it comes to protecting "national security."

Dark-side activities

Consider the dark-side activities in which the national-security establishment engages, such as assassination. When agents of North Korean communist leader Kim Jong-un, Russian president Putin, or Saudi prince Mohammed bin Salman engage in assassination, every American can easily identify that as evil. But when the Pentagon or the CIA assassinate people, the mindset is totally opposite — their assassinations are automatically considered to be "good" because they are intended to protect "national security."

The mindset is the same with other dark-side practices, such as torture, indefinite detention, secret prison camps, coups, indefinite detention, and mass secret surveillance. When the Russians, Chinese, North Koreans, Cubans, or Viet-

nameless do such things, they are evil. When U.S. officials do them, they are considered “good.”

The way out

Is there a way out of the crisis-filled morass into which our nation has been plunged, a morass that has recklessly gotten our nation closer to all-out nuclear war than since the Cuban Missile Crisis?

Yes, but what it requires is a giant breakthrough among the American people, one in which individual consciences begin operating at a higher level and in which Americans become aware of the consequences of having abandoned their founding governmental system of a

limited-government republic and a non-interventionist foreign policy. If such a breakthrough were to occur, America would be well on its way toward restoring a society based on liberty, peace, prosperity, and harmony with the people of the world.

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

NEXT MONTH:
“Immigration Socialism, the Drug War, and a Police State”
by Jacob G. Hornberger

A frequent recurrence to fundamental principles ... is absolutely necessary to preserve the blessings of liberty and keep a government free.

— Benjamin Franklin

Supreme Court Tortures the Constitution Again

by James Bovard



The Supreme Court ruled in March that Americans have no right to learn the grisly details of CIA torture because the CIA has never formally confessed its crimes. The case symbolizes how the rule of law has become little more than legal mumbo-jumbo to shroud official crimes. And it is another grim reminder that Americans cannot rely on politically approved lawyers wearing bat suits to save their freedoms.

In 2002, the CIA captured Abu Zubaydah, a Palestinian radical, in Pakistan and falsely believed he was a kingpin with al Qaeda. The CIA tortured him for years in Thailand and Poland. As Justice Neal Gorsuch noted, the CIA “waterboarded

Zubaydah at least 80 times, simulated live burials in coffins for hundreds of hours,” and brutalized him to keep him awake for six days in a row. The CIA has admitted some of the details of the torture, and Zubaydah’s name was mentioned more than a thousand times in a 683-page Senate report released in 2014 on the CIA torture regime. But the Supreme Court permitted the CIA to pretend that the case is still secret.

The holy relic of “state secrets”

This case turned on the invocation of a holy bureaucratic relic of dubious origin — “state secrets.” As the court’s 6–3 ruling, written by Justice Stephen Breyer, noted, “To assert the [state secrets] privilege, the Government must submit to the court a ‘formal claim of privilege, lodged by the head of the department which has control over the matter.’” This is akin to permitting the Wizard of Oz to rotely certify that his curtain must remain closed for the good of all the munchkins in Oz. After a federal agency announces that it is entitled to secrecy, the court “should exercise its traditional ‘reluctance to intrude upon the authority of the Executive in military and national security affairs,’” Breyer wrote. Brey-

er neglected to explain how self-government can be reconciled with near-total secrecy of an elected government's foreign and military policies.

The court upheld a “state secrets” claim to block Zubaydah's lawyers from serving subpoenas on the psychologist masterminds of the CIA torture program to learn the details of his interrogation in Poland. The court's ruling also blocks Polish investigators seeking information about the crimes committed at a CIA torture site in their nation.

This case illustrated the fantasy world that permeates official Washington, D.C., controversies. In 2019, federal Judge Richard Paez rejected the CIA's privilege claim because “in order to be a ‘state secret,’ a fact must first be a ‘secret.’” Even the president of Poland admitted that crimes were committed at that CIA torture site in his country.

But the Supreme Court disregarded common sense, ruling that “sometimes information that has entered the public domain may nonetheless fall within the scope of the state secrets privilege.” According to the Supreme Court, “truth” depends solely on what federal officials have publicly confessed. ACLU attorney Dror Ladin

groused, “U.S. courts are the only place in the world where everyone must pretend not to know basic facts about the CIA's torture program.”

It gets worse. Then-CIA chief Mike Pompeo asserted that exposing details of torture in Poland could hinder foreign spy agencies' partnerships with the CIA. The court upheld “state secrets” to aid the CIA in “maintaining the trust upon which those relationships [between spy agencies] are based.” The court warned, “To confirm publicly the existence of a CIA [torture] site in Country A, can diminish the extent to which the intelligence services of Countries A, B, C, D, etc., will prove willing to cooperate with our own.”

According to the Supreme Court, “truth” depends solely on what federal officials have publicly confessed.

The court acted as if it was merely smoothing the path for a Girl Scout troop to sell cookies at a shopping center instead of shrouding a “crime against humanity” (the United Nations' verdict on torture). Pompeo bluntly described the CIA modus operandi: “We lied, we cheated, we stole. It's like we had en-

tire training courses.” The CIA’s long record of lawless assassinations did nothing to deter the deference it received from the court. Instead, the “mutual trust” between conniving spy agencies is more important than the trust that Americans should have in their own government.

State secrets and the war on terror

In his decision, Justice Breyer stressed, “Obviously, the Court condones neither terrorism nor torture, but in this case we are required to decide only a narrow evidentiary dispute.” But the Supreme Court necessarily condones any crime it helps cover up. The court’s sweeping rulings on state secrets and sovereign immunity have provided a get-out-of-jail-free card for Bush-era torturers and torture policymakers. No victim of Bush-era torture has received justice in federal courts.

State-secrets claims multiplied after the start of the war on terror. The Bush administration routinely invoked state secrets to seek “blanket dismissal of every case challenging the constitutionality of specific, ongoing government programs,” according to a study by the Constitution Project. In 2007, federal judge Harry Pregerson grouched that

the “bottom line here is the government declares something is a state secret, that’s the end of it. The king can do no wrong.” In 2009, a federal appeals court slammed the Obama administration’s use of state secrets: “According to the government’s theory, the judiciary should effectively cordon off all secret government actions from judicial scrutiny, immunizing the CIA and its partners from the demands and the limits of the law.” The Obama administration invoked the state-secrets doctrine to justify refusing to disclose the standards it used to place Americans and others on the assassination list of suspected terrorists.

**But the Supreme Court
necessarily condones any crime
it helps cover up.**

As author Barry Siegel noted, in the vast majority of cases where state secrets are invoked, “judges rule blindly, without looking at the disputed documents underlying the State Secrets claims.... They choose, instead, to trust the government — the ultimate act of faith.” Eventually, instead of a good excuse for breaking the law, all that is necessary is to claim that an excuse exists, even if the excuse is secret.

The origin of state secrets

Gorsuch noted that the Supreme Court created the doctrine in a 1953 case in which the Pentagon claimed “state secrets” to cover up the details of an Air Force crash. Half a century later, the government declassified the official report of the crash. It contained no national-security secrets but instead detailed how gross negligence had caused the crash (which killed three people). Yet the Supreme Court clearly has no shame about being conned by the Pentagon and other federal agencies.

Chief Justice John Roberts talked as if the state-secrets doctrine was on a moral and legal par with habeas corpus.

State secrets is akin to a fraudulent religious miracle that was not exposed until after it became canonized. During oral arguments at the court last November, Chief Justice John Roberts talked as if the state-secrets doctrine was on a moral and legal par with habeas corpus, which was specifically mentioned in the original Constitution even prior to the Bill of Rights. Justice Brett Kavanaugh, a former Bush administration lawyer, whooped up the state-secrets doc-

trine as “foundational to the national security of the country.” Gorsuch, on the other hand, observed that “it seems that the government wants this suit dismissed because it hopes to impede the Polish criminal investigation and avoid (or at least delay) further embarrassment for past misdeeds.”

Gorsuch, whose dissent was joined by Justice Sonia Sotomayor (the most liberal member of the court), warned that granting “utmost deference” to the CIA would “invite more claims of secrecy in more doubtful circumstances — and facilitate the loss of liberty and due process history shows very often follows.” Law professor Steve Vladeck said the “ruling will make it much harder, going forward, for victims of government misconduct that occurs in secret to obtain evidence helping to prove that the conduct was unlawful.” A confidential report in February revealed that the CIA is vacuuming up masses of personal information from American citizens, probably in violation of federal law. But don’t expect to learn the tawdry details or the names of victims because of the state-secrets doctrine.

The first sentence of the *Associated Press* report on the ruling perfectly summarized the decision:

“The Supreme Court sided with the government.” Swallowing state-secrets claims vivifies how the Supreme Court has become the guardian of Leviathan Democracy. Federal agencies are creating trillions of pages of new secrets each year. The majority of Supreme Court justices have no problem with federal agencies systematically blindfolding American citizens to the actions of the federal government.

Biden’s embrace of the state-secrets doctrine is tricky to reconcile with his other rhetoric.

When Justice Breyer, who wrote the court decision, announced his impending retirement, the media gushed over his long record of pragmatism at the high court. William James, the system’s philosophical godfather, declared that pragmatism means “that ideas become true just in so far as they help us to get into satisfactory relations with other parts of our experience.” James explained that “any idea upon which we can ride ... is true instrumentally.” Breyer was popular with places like the *Washington Post* because of his endless deference to federal agencies on cases involving the Fourth Amendment (prohibit-

ing unreasonable searches) and other issues. In D.C., covering up torture is pragmatic because it permits all three branches of the government to con the American people into believing that their rulers are on a leash. The most celebrated pragmatists in recent Washington history have all been “useful idiots for Leviathan.”

Bipartisan support for state secrets

Some Washington pundits had expected that Biden’s election would result in a revival in civil liberties after the purported Trump reign of darkness. But even before the state-secrets case, the Biden administration urged a court to dismiss a lawsuit brought by an American citizen who claimed he had been tortured in Egypt, because the alleged torturer had diplomatic immunity because he works for the International Monetary Fund. (Previously, the IMF was only permitted to torture economies.)

Biden’s embrace of the state-secrets doctrine is tricky to reconcile with his other rhetoric. In his inaugural address last year, Biden proclaimed, “Each of us has a duty and a responsibility as citizens, as Americans and especially as leaders ... to defend the truth and defeat the lies.” In a speech last year to Con-

gress, Biden declared, “America is rising anew, choosing ... truth over lies.” Last December, Biden issued an executive order to “rebuild trust in government.”

But why should anyone trust a government that refuses to admit crimes about which the entire world knows? The same legal arguments used to shroud Bush-era torture will be used in coming years to cloak abuses by the Biden administration and future presidents. The state-secrets doctrine presumes “government knows best, and no one else is entitled to know.”

The state-secrets doctrine provides a license for federal agencies to lie to their victims and to federal judges.

The state-secrets doctrine provides a license for federal agencies to lie to their victims and to federal judges. In 2005, a Stanford University graduate student, Rahinah Ibrahim, went to San Francisco International Airport to catch a flight to Hawaii. Instead, she was handcuffed and locked up overnight because her name was on the No Fly list. She was eventually permitted to fly to her home country, Malaysia, but was prohibited from returning to the United States. She sued to

discover why she was blacklisted, launching an eight-year battle that entailed more than \$3 million in legal costs.

Attorney General Eric Holder warned that “disclosure that an individual is not a subject of an FBI counterterrorism investigation could likewise reasonably be expected to cause significant harm to national security.” Holder also swore that the feds were not invoking “state secrets” to conceal “administrative error” or to “prevent embarrassment.” In 2014, federal judge William Alsup obliterated the official storyline when he disclosed that Ibrahim had been banned from flying simply because an FBI agent in 2004 “checked the wrong box” on a terrorism investigation form. The feds carried out a nine-year cover-up to preserve Americans’ blind faith in FBI paperwork.

Shortly after the Supreme Court swallowed the state-secrets claim in the Polish torture case, it effectively acceded to state secrets in one of the most appalling FBI abuses of the war on terror. Beginning in 2006, the FBI sent Craig Monteilh, a former Drug Enforcement Administration informant, into mosques in southern California to gather evidence against Muslims at worship. His FBI handlers gave Monteilh

permission to sleep with Muslim women he targeted and to secretly tape record their pillow talk. He also placed a recording device to covertly tape Muslim therapy sessions. National Public Radio noted the surveillance “yielded no results and proved a huge embarrassment to the bureau” after Monteilh went public in 2012 to denounce his own behavior and the FBI. Monteilh encouraged mosque members to engage in bombing and other violence. He was part of an army of 15,000 FBI informants recruited after 9/11 who fueled pervasive entrapment operations.

When three members of the mosque filed a lawsuit against the FBI, the feds invoked “state secrets” to torpedo their long-lasting case. The *New York Times* aptly summarized the result in early March: “Supreme Court Sides With F.B.I. in Case on Spying on Muslims.” Justice Samuel Alito’s opinion stressed that “we have never suggested that an assertion of the state secrets privilege can be defeated by showing that the evidence was unlawfully obtained.”

The state secrets doctrine has been an anti-Constitution scandal for at least 20 years. The feds’ sway

over damning information is boundless — at least until some scofflaw like Edward Snowden or Julian Assange or Daniel Hale obliterates federal credibility.

“No free government can survive that is not based on the supremacy of the law” is the motto chiseled above the entrance to the Justice Department headquarters. But “supremacy of the law” now means little more than the Supreme Court recycling legal mummeries to hide federal atrocities. How many official crimes can democracy survive? Unfortunately, the answer is a secret.

James Bovard is a policy advisor to The Future of Freedom Foundation and the author of the ebook Freedom Frauds: Hard Lessons in American Liberty, published by FFF; Public Policy Hooligan, Attention Deficit Democracy, and eight other books.

NEXT MONTH:
**“Did the FBI Swing the
2020 Election?”**
by James Bovard

Libertarian Lessons from the Super Bowl

by *Laurence M. Vance*



Even most non-sports fans like me know that the Super Bowl is the annual championship game of the National Football League (NFL). It is one of the world's most watched sporting events, and it has the most expensive commercials (lately \$7 million for 30 seconds). Some people watch the game just to see the commercials and the halftime show. Super Bowl Sunday in February is also one of the most gluttonous days of the year. In the most recent Super Bowl — number LVI, played in Inglewood, California — the Los Angeles Rams defeated the Cincinnati Bengals by a score of 23 to 20. The important lessons to be learned from this game, however, have nothing to do with linebackers, wide receivers, quarterbacks, pen-

alties, touchdowns, sacks, field goals, blitzes, punts, or interceptions, but instead have to do with libertarianism.

Behind the scenes

While the Super Bowl festivities were taking place, the Los Angeles County Sheriff's Department (LASD), joined by more than 80 federal, state, and local law enforcement agencies and task forces, arrested 214 sex workers and 201 sex seekers during the seventh annual "Operation Reclaim and Rebuild." The ostensible mission of the operation was "combating human trafficking." Yet, according to the LASD, the vast majority of those arrested were attempting to engage in consensual sexual activities. Over 400 of the arrests involved misdemeanor prostitution, loitering for prostitution, escorting without a license suspicions, or supervising prostitution. Only seven of the 49 felony arrests involved unspecified sexual felonies related to a minor.

Up until May of 2018, before the Supreme Court struck down the Professional and Amateur Sports Protection Act of 1992, betting on most sporting events was illegal across the country, except in a few states. Since that time, a number of states have legalized online sports

betting. But not Texas. This is why wealthy businessman Jim McIngvale had to drive two hours from Houston to Louisiana to place a \$4.5 million bet on the Cincinnati Bengals to win the Super Bowl. He later placed a similar bet for \$5 million. In Louisiana, one can legally bet on sports using a mobile device, which is what McIngvale did. It has been estimated that over 31 million people placed a bet on the Super Bowl. PlayUSA (a sports betting news website) estimated that people would wager \$1 billion on the Super Bowl. And that doesn't count "illegal" wagers.

Even though California was the first state to legalize medical marijuana, in 1996, the NFL and the network that televised the Super Bowl, NBC, refused an attempt by a company located an hour from the stadium, Weedmaps — founded in 2008 to help California medical marijuana users locate dispensaries — to run a commercial that Weedmaps CEO Chris Beals said would have tried to "push the dialogue forward around cannabis." Although the NFL and NBC prohibit marijuana-related commercials, hard liquor has been advertised during the Super Bowl since 2017. Anheuser-Busch's Super Bowl beer commercials are well-known and celebrated.

The NFL last year announced that it would no longer test players for marijuana during the off-season and is even funding research on marijuana's health benefits.

Although the NFL and NBC prohibit marijuana-related commercials, hard liquor has been advertised during the Super Bowl since 2017.

I did not see the Super Bowl halftime show, but I am told that it featured famous hip hop singers, including Dr. Dre, Snoop Dogg, Mary J. Blige, and Eminem. The *New York Times* called it "a halftime spectacular heavy on nostalgia and California pride." Some prominent conservatives, who seem to have forgotten the existence of the First Amendment, had a rather different opinion. Charlie Kirk, co-founder and executive director of Turning Point USA, remarked: "The NFL is now the league of sexual anarchy. This halftime show should not be allowed on television." Brigitte Gabriel, founder of ACT! for America, commented: "The Super Bowl halftime show was basically pornography on television. Absolutely disgusting. It shouldn't have been permitted for cable television."

The Super Bowl was played in the most expensive stadium ever

constructed. But what is even more incredible is that SoFi Stadium was built entirely with private funds. The new \$5 billion stadium — which is also rented out to another NFL team, the San Diego Chargers — is part of a complex with a concert hall, a shopping center, office buildings, condos, a luxury hotel, and a 25-acre park that altogether is three times larger than nearby Disneyland. The owner of the Los Angeles Rams, billionaire businessman Stan Kroenke, helped move the Rams from Los Angeles to St. Louis in 1995. In St. Louis, the Rams played in the Edward Jones Dome, a \$280 million stadium built with government subsidies. Even though the St. Louis stadium had not yet been paid for, Kroenke moved the Rams back to Los Angeles to begin the 2016 football season, playing at the Los Angeles Memorial Coliseum until the new SoFi Stadium was completed.

So, what do prostitution, gambling, marijuana, the First Amendment, and government subsidies have to do with libertarianism?

Prostitution

The libertarian case against prostitution laws is straightforward. It is not the responsibility of government to legislate morality. It is

not the proper role of government to concern itself with how people choose to make a living as long as their actions don't infringe upon the rights of others. What consenting adults do on private property is none of the government's business as long as their actions are voluntary and peaceful. Not only is it not the job of government to arrest prostitutes or those who solicit them, it is likewise not the duty of government to reduce prostitution; provide prostitutes with housing, job training and social services; help women avoid a life of prostitution; or deter men from buying sexual services.

What consenting adults do on private property is none of the government's business as long as their actions are voluntary and peaceful.

Now, none of that means that libertarians favor prostitution. They would neither persuade any woman to be a prostitute nor encourage any man to hire one. None of this means that libertarians are ambivalent toward prostitution. They sympathize with the plight of women who feel they are trapped in a life of prostitution. And they are not naïve about prostitution. They recognize that in

some cases, it might involve violence against women, exploitation of women, or oppression of women. But they just don't automatically assume that the woman offering her body for sale is always forced, always exploited, always oppressed.

None of this means that libertarians think prostitution is wholesome. They might describe it as immoral and sinful just like a liberal or conservative would. None of this means that libertarians are ignorant about the pitfalls of prostitution. They recognize that it can be risky and hazardous to one's mental and physical health. None of this means that libertarians dismiss real crimes that might be committed in conjunction with prostitution. They fully support laws against kidnapping, forced prostitution, human trafficking, public sex, public nudity, slavery, rape, sexual assault, child prostitution, and sexual abuse. None of this means that libertarians favor prostitution over property rights. They don't defend trespassing, loitering, or other violations of property rights that might occur when prostitutes seek or service customers.

Libertarians also argue that laws against prostitution are illogical, inconsistent, and arbitrary. It is highly illogical to make something

legal to give away for free but illegal to charge for it. If it is legal for consenting adults to have sex as often as they want and with as many different partners as they want, then why should it be illegal if one of the parties pays the other for it? If it is legal for people to be paid to have sex — in front of a director, camera, and crew — then why should it be illegal for people to be paid to have sex in the privacy of their car, home, or hotel room?

It is highly illogical to make something legal to give away for free but illegal to charge for it.

It is very inconsistent for someone to not be in favor of the government's outlawing of pornographic movies, strip clubs, and massage parlors but at the same time support the government's outlawing of prostitution. Likewise, it is incredibly arbitrary for someone to not be in favor of the government's outlawing of fornication, adultery, cohabitation, communal living, and swinging and at the same time support the government's outlawing of prostitution.

Gambling

The libertarian case against gambling laws is quite simple. There

shouldn't be any such laws. This is especially true at the federal level. Although the federal government has a myriad of laws regarding gambling, the Constitution nowhere authorizes the federal government to license, regulate, discourage, control, or prohibit any form of gambling — including online gambling. Just like the Constitution nowhere authorizes the federal government to regulate or prohibit any other vice or bad habit. Americans who support gambling laws, at least on the federal level, are anti-American. Those who contend that we should have gambling laws at the federal level are contending against the Founding Fathers, the framers of the Constitution, federalism, and the Constitution itself.

**Laws against gambling
are impossible to reconcile with
a limited government and
a free society.**

It is not the purpose of government at any level to prevent people from wasting their money, taking a financial risk, having bad habits, or making bad decisions. It is a perversion of government to do so. The purpose of government is supposed to be for the protection of life, liberty, and property from the vio-

lence or fraud of others. Laws against gambling are impossible to reconcile with a limited government and a free society.

But, it is argued, gambling is not just a bad habit, it is immoral, a vice, and a sin. It can be psychologically addictive and financially ruinous. And because gamblers generally have poor odds of winning, it is a regressive tax on the poor that takes advantage of those least able to afford it. Although these things may all be true, there is a huge difference between opposition to gambling and opposition to gambling laws. One can vehemently oppose all forms of gambling and yet at the same time just as stridently oppose all forms of gambling laws.

Libertarians would argue that everyone has the natural right to gamble as long as they gamble peacefully and consensually and don't violate the personal or property rights of others. The decision to gamble or not to gamble should always be an individual decision, made on the basis of one's moral code, religion, risk tolerance, and financial status. It should never be a government decision. In a free society, consenting adults are free to engage in any voluntary activities that are peaceful without government supervision as long as they don't in-

fringe on the freedom of anyone else. And there is no reason the gambling industry should be governed by special government regulations. The government should not be concerned with regulating or prohibiting any activity that takes place between a willing business and a willing customer. Even more so than prostitution, gambling is a victimless crime.

Marijuana

The libertarian case against marijuana laws parallels in many respects the libertarian case against gambling laws. The federal government considers growing, distributing, buying, selling, possessing, or using marijuana to be a criminal offense, punishable by fines and imprisonment. Yet, the Constitution nowhere authorizes the federal government to criminalize, prohibit, or regulate marijuana in any way. It is, therefore, anti-American to support federal marijuana laws and at the same time express reverence for the Founding Fathers, the Constitution, and the American system of government.

It is not the purpose of government at any level to punish people for partaking of mood-altering or mind-altering substances; to concern itself with anyone's eating,

drinking, or smoking habits; or to regulate, monitor, or restrict people's consumption, medical, or recreational habits. It logically follows, then, that not only should there not be any laws concerning marijuana, but that there shouldn't be any laws concerning any other drug. Laws against drugs of any kind are impossible to reconcile with a limited government and a free society.

It is not the purpose of government to punish people for partaking of mood-altering or mind-altering substances.

But, it is argued, marijuana is a gateway drug, and using cocaine, heroin, meth, or fentanyl is dangerous and could even be deadly. Although this is certainly true, since when is it the job of government to keep people from harming themselves? A man's body belongs to himself — not society, not the state, not some governmental agency, and not some government bureaucrat. And if a man's body belongs to himself, then he can do what he wants with it. It is simply none of the government's business what people want to smoke, eat, inhale, snort, or inject into their bodies. As explained by political philosopher John Stuart Mill (1806–1873):

The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental and spiritual.

The gambling industry shouldn't be governed by special government regulations, and marijuana dispensaries shouldn't be demonized any more than liquor stores.

The First Amendment

The First Amendment reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." When it comes to "the freedom of speech or of the press," libertarians would say that if you don't like what is being said or written, then don't listen to it or read it. However, many conservatives would say that if you hear, see, or read something offensive, then the government should abridge its dissemination.

But it is extremely disingenuous for a conservative to talk out of one side of his mouth about his reverence for the Constitution and limited government and out of the other side to say that the government via the Federal Communications Commission (FCC) or some other agency should prohibit certain things to be broadcast on television that he finds offensive.

The federal government has been granted no authority whatsoever by the Constitution to regulate, monitor, or censor any speech.

The federal government has been granted no authority whatsoever by the Constitution to regulate, monitor, or censor any speech of any kind or any movie, magazine, newspaper, advertisement, photograph, television program, or website. The fact that the content of some of these things might be sexually suggestive or pornographic is irrelevant. This doesn't mean that the questionable or offensive content is wholesome or harmless, and it doesn't mean that it is not obscene or immoral. It just means that it is not the business of government to concern itself with what is spoken, published, or broadcast.

Government subsidies

Government subsidies come in a variety of shapes and sizes, all with strings attached, of course. Some of these subsidies are welfare programs for the poor, like Temporary Assistance to Needy Families (TANF), food stamps, or housing subsidies. But others are subsidies for the rich, like subsidies for the arts and humanities or subsidies for sports arenas and stadiums. Although libertarians would say that the government shouldn't subsidize anything, government subsidies for the rich are the most egregious.

Economists of all stripes are united in their belief that government subsidies for sports venues cost communities more than they deliver in economic benefits. But it doesn't matter if the millions a municipality spends building a stadium to keep or attract a major league sports team is a good investment, creates jobs, or has a positive economic impact. Sports teams are businesses. They are in the entertainment business. An entertainment business, like any other business, should not be promoted, subsidized, supported, protected, or financed by government any more than any other type of busi-

ness. And especially when the owners of sports teams are some of the richest Americans. Government has no money of its own. It either prints it, borrows it, or confiscates it from taxpayers. Libertarians would say that sports teams should build their own stadiums, like Stan Kroenke did. Department stores, gas stations, and restaurants don't depend on government subsidies to build their facilities, and neither should sports teams.

These five lessons are more than enough to show that libertarianism alone is the philosophy of freedom.

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NEXT MONTH:
“**Libertarian Litmus Tests**”
by Laurence M. Vance

The Centenary of Ludwig von Mises's Critique of Socialism

by Richard M. Ebeling



At a banquet dinner held in New York City on March 7, 1956, honoring the famous Austrian economist Ludwig von Mises, another equally renowned member of the Austrian school of economics, Friedrich A. Hayek, delivered a talk highlighting the important contributions of his long-time mentor and close friend, going back to when they first met in the Vienna of the early 1920s.

Hayek pointed out the significance of Mises's 1912 book, *The Theory of Money and Credit*, with its development of what became known as the "Austrian" theory of money and the business cycle. But Hayek wanted to emphasize to those attending the dinner the real importance of another of Mises's

books, one that appeared ten years later in 1922. This was *Die Gemeinwirtschaft*, or in its English-language title, *Socialism: An Economic and Sociological Analysis*. This work, Hayek said, made "the most profound impression on my generation ... for our generation it must remain the most memorable and decisive production of Professor Mises's career." Hayek continued:

It was a work on political economy in the tradition of the great moral philosophers, a Montesquieu or Adam Smith, containing both acute knowledge and profound wisdom.... To none of us young men who read the book when it appeared was the world ever the same. If [Wilhelm] Röpke stood here, or [Lionel] Robbins, or [Bertil] Ohlin (to mention only those exactly the same age as myself), they would tell you the same story. Not that we at once swallowed it. For it was too strong a medicine and too bitter a pill.... And though we might try to resist, even strive hard to get the disquieting considerations out of our system, we did not succeed. The logic of the argument was inexorable.

It was not easy. Professor Mises's teaching seemed directed against all we had been brought up to believe. It was a time when all the fashionable arguments seemed pointed to socialism and when nearly all "good men" among the intellectuals were socialists.... For all the young idealists of the time, it meant dashing of all their hopes.

Mises's challenge of central planning

It is now 100 years since the first (German-language) edition of Mises's *Socialism* appeared in print in 1922. It is a century in which socialism-in-practice has been experienced in a wide variety of countries around the world. But when the volume was published in 1922, the First World War had been over for only less than four years. The Bolshevik revolutionaries in Russia under Vladimir Lenin had only recently triumphed over their anti-communist opponents in a bloody civil war that ended the year before. It was still several years away, in 1929, when Lenin's successor, Joseph Stalin, would end all remaining private enterprise in Soviet Russia and introduce comprehensive five-year socialist central planning.

Therefore, when Mises's *Socialism* first appeared, its relevancy could hardly be questioned, but it still seemed "academic," that is, still a theoretical critique of whether or not a socialist economic system could be an effective and superior alternative to the "capitalist order," whose days seemed inevitably numbered. Socialism, as Hayek remarked, was the fashionable "wave of the future" for many of the opinion-influencing intellectuals around the world.

Even so, when it first appeared, it almost immediately caused a firestorm of controversy in the German-speaking world. Here was a book that challenged virtually all the premises, presumptions, and prophecies about the beautiful and better world that was awaiting mankind with the coming of the socialist utopia. An end to production for private profit would lead to material prosperity for all. The elimination of "wage slavery" and worker exploitation at the hands of capitalist employers would mean the arrival of "economic equality" and "social justice." Wars for the benefit of capitalist arms manufacturers would be a thing of the past, and international peace will have, finally and permanently, arrived. All human relationships would be

transformed into altruistic associations of “other-orientedness” with the demise self-interest and possessive greed and selfishness caused by private ownership. Finally, mankind will have entered a heaven-on-earth.

The heart of Mises's argument was that a socialist centrally planned economy was institutionally unable to effectively and “rationally” function in any way equal or superior to a competitive market economy. Hence, the socialist promise of material standards of life far better than under capitalism was “impossible.”

Private property, competition, and prices

This part of his critique of socialism had been published two years earlier, in 1920, as an article in a German-language scholarly journal under the title, “Economic Calculation in the Socialist Commonwealth.” Mises asked a simple but profound question. Once a socialist regime has come to power, successfully nationalized all of the means of production, and established a system of central planning, how would the central planners know what to do?

How would they know which goods and services to produce in terms of the actual wants of the

members of this new socialist society? How would the central planners decide how to do the producing in terms of technologies chosen and the relative types and amounts of scarce resources (land, labor, and capital) to employ in one line of production rather than some other? What would be the economic benchmarks or bases by which the central planners would know they had produced the right goods, in the right amounts, with the most cost-efficient use of the means of production under their control to ensure that the best outcomes prevailed with the least economic waste?

The socialist promise of material standards of life far better than under capitalism was “impossible.”

In a functioning, free-market economy, all such questions are answered and solved through the competition of supply and demand and the resulting price system. In the marketplace, consumers are able to inform and convey information to producers what it is they want, and how intensively, by expressing their demand for things through the prices they are willing to pay for final goods and services they are interested in buying. Pro-

ducers inform consumers what they would be willing to produce and at what prices they might be able to bring quantities of goods and services to market.

At the same time, private enterprisers and entrepreneurs interested in undertaking the production of various goods must compete with each other for employment and use of the scarce means of production that could be potentially employed in different ways making different goods. Their rival bids for purchasing or hiring those means of production, in turn, generate the prices for the factors of production: wages for labor, rent for the use of land, prices to purchase capital (machines, tools, equipment), and interest to borrow other people's savings for investment projects of many different types and for different lengths of time.

Thus, out of these competitive bids and offers and rivalries on both the demand and supply sides of the market, there emerges the structure of relative prices for outputs and inputs. Those private enterprisers and entrepreneurs can now compare the possible price at which a finished good, if manufactured, might sell for at some point in the future after a production process had been undertaken, with the prices that

would have to be paid to employ the needed land, labor, capital, and resources during the production process.

A socialist system of central planning did away with the institutional prerequisites that are essential for economic rationality.

A rational and reasonable decision then could be made as to whether any particular good in question could be produced with a certain combination of the needed inputs and result in a profit (monetary revenues greater than monetary costs) or a loss (monetary revenues less than monetary costs). The profit-oriented self-interest of private enterprisers and entrepreneurs would always tend to make sure that the goods being produced, with particular combinations of resources, were those for which consumer demand justified the costs to bring them to market.

Abolishing the institutions for economic rationality

The impracticability of a socialist system of central planning was that it did away with the institutional prerequisites that are essential for economic rationality: private property in the means of production, a

competitive market process for the emergence of a functioning price system, and a stable medium of exchange — money — on the basis of which those inputs and outputs could be compared to determine profit or loss.

But, Mises argued, under socialism, the means of production cannot be (legally) bought and sold, since they are under the monopoly ownership and control of the socialist government. With nothing to legally buy and sell, there are no competitive bids and offers for the means of production. With no bids and offers, there is no marketplace leading to agreed-upon terms of trade. With no agreed-upon terms of trade, there are no market-generated prices. And without market-based prices for both consumer goods and the means of production, there is no successful and rational way to determine profit and loss within the economic system.

As a result, Mises argued, rather than an economic horn-of-plenty in terms of all the goods people really want, in the quantities actually desired, and produced in a way that uses the means of production in the most cost-rational way, what results is a system of, as Mises called it much later on, “planned chaos.” Here went all the socialist hopes

and dreams of an alternative social order that would produce more and better goods than in a competitive market economy.

With no agreed-upon terms of trade, there are no market-generated prices.

Mises's 1920 critique on the unworkability of a socialist economic order became the centerpiece of his 1922 volume on *Socialism*. For decades to follow, indeed, until the collapse of the Soviet Union in 1991, socialists and others denied or ignored Mises's arguments. Or they attempted to propose forms of what became known as “market socialism,” under which government managers of state-owned enterprises would be assigned to act “as if” they were capitalists using prices imposed by the central planning agency to decide what to produce and in what particular ways.

Socialism versus classical liberalism

But *Socialism* is more than just an economic critique of the unworkability of socialist central planning, however profound and timeless this core part of the book was and remains. What Ludwig von Mises offered was an entire critical analysis of the very idea of a social-

ist system, from the widest philosophical, social, historical, and ideological perspectives. When Hayek referred to the breath of the book being more in the tradition of eighteenth-century Enlightenment figures like Montesquieu or Adam Smith, he was not exaggerating.

At the same time, the volume is a statement and defense of the classical-liberal worldview of individual freedom, the free society, the competitive market order, and the ideal of a global community of men based on human dignity and liberty, voluntary association, and world peace and prosperity. At every turn, as Mises explains the nature and dangers from the establishment of a socialist system, it is juxtaposed with the alternative vision and virtues of free-market liberalism for a truly tranquil and harmonious world.

To begin with, political and economic liberalism reflected humanity's escape from its long historical existence under conquest, slavery, politically imposed status, and numerous forms of tyranny and despotism. Under emergent liberalism, human relationships, slowly but surely, were transformed into those of contract under which individual association was based on voluntary consent and mutual benefit.

The human being changed from an “object” to be used and abused in the service of others, under the use or threat of political force, into a distinct human being possessing individual rights, deserving respect and dignity from others. The master-and-servant relationship became one of citizens in a free society possessing equality of rights under an impartial rule of law.

The master-and-servant relationship became one of citizens in a free society possessing equality of rights under an impartial rule of law.

Mises emphasized this change in the human condition by highlighting how liberalism had changed the status of women in society. For ages, women were the property of fathers and husbands, expected to obey, and controlled in all they were allowed to do. But with the growing economic liberty of free-market capitalism, women increasingly were recognized as independent human beings possessing the same equal rights as men and free to direct their own lives as they chose in the arena of private property rights, inheritance, contract, and nearly all aspects of decision-making.

Socialist central planning and political tyranny

Any form of socialism entailed a reversal or narrowing of these classical-liberal triumphs in human life. Government nationalizing of private property and the imposing of central planning meant that the individual was now at the mercy and dictates of those planning the socialist society. The government would assign work, determine how and where people lived, and distribute the centrally planned output based on a political determination of what members of the socialist society deserved and “needed.” Mises summarized all this:

The Socialist Community is a great authoritarian association in which orders are issued and obeyed. This is what is implied by the words “planned economy” and the abolition of the [free market] anarchy of production.... It follows that men become the mere pawns of official action....

Socialist society is a society of officials. The way of living prevailing in it, and the mode of thinking of its members are determined by this fact.... Socialism knows no freedom in occupation. Ev-

eryone has to do what he is told and go to where he is sent.... Officialdom is extended to the sphere of the spirit. Those who do not please the holders of power are not allowed to paint or to sculpt or to conduct an orchestra. Their works are not printed or performed....

The nationalization of intellectual life, which must be attempted under Socialism, must make all intellectual progress impossible.... No censor, no emperor, no pope, has ever possessed the power to suppress intellectual freedom which would be possessed in a socialist community.

Has there been any instance of a system of socialism-in-practice with comprehensive central planning over the last 100 years that has not borne out Ludwig von Mises's explanation and warnings of what was likely to happen when “capitalism” is overthrown and the control over the economic affairs of any society is transferred to those who then hold in their hands the destiny of all those under their power?

Have not socialist societies all been giant prisons of tyranny, torture, terror, and mass murder

against all those identified and marked as “enemies” or “opponents” or “wreckers” of the Central Plan? Socialism-in-practice has left a global graveyard of well over 100 million victims — innocent, unarmed men, women, and children — on the road to Utopia.

Classical liberalism and world trade

In addition, Mises explained that economic liberalism has helped to foster a worldwide community of peace and prosperity. Over the last 200 years, as political barriers and prohibitions were lowered or abolished, boundary lines between countries became less and less important. Market interactions increasingly became private affairs between consumers and producers, demanders and suppliers bound together in an international web of economic interdependency arising from specialization and division of labor. In place of bombs and bullets dividing and destroying human beings, a bountifulness of peaceful and productive freedom of trade connected more and more members of the human race.

Said Mises: “For Liberalism the problem of the frontiers of the state does not arise. If the functions of the state are limited to the protection of life and property against

murder and theft, it is no longer of any account to whom this or that land belongs.” People, capital, and goods freely move to where economic opportunity and personal preference finds it most attractive and desirous. As Mises reinforced:

The greater productivity of work under the division of labor is a unifying influence. It leads men to regard each other as comrades in a joint struggle for welfare, rather than as competitors in a struggle for existence. It makes friends out of enemies, peace out of war, society out of individuals.

Mises explained that economic liberalism has helped to foster a worldwide community of peace and prosperity.

This was no fantasy. Before the First World War in 1914, a peaceful and prosperous global community was well toward becoming a reality to the extent to which free-trade liberal principles were mostly practiced among the then-leading nations of the world. But this was shattered by the First World War as belligerent nations sealed themselves off from their wartime

enemies through renewed protectionism, passports and visas, and centralized planning and systems of wage and price controls — all in the name of “winning the war” by governments across the battle lines. All the nations at war, in other words, introduced “war socialism.” Accompanying this came restrictions on personal freedom, civil liberties, and lost privacy as virtually anything became subject to government surveillance.

Socialism and conflict

In the aftermath of the war's end in 1918, all the socialist projects ended up being forms of “national socialism,” that is, socialism within individual countries. Mises argued that this not only made citizens of any such socialist state the economic and social captive of their own government, for if systems of fairly comprehensive socialist central planning were to be established in a growing number of countries, it would also mean the end to a peaceful and mutually beneficial international order.

Each centrally planned country would limit imports and exports to what the respective national central planning authorities decided was good and desirable. Foreign investment, now being “affairs of state,”

would be dictated and determined by politics rather than by private and peaceful pursuit of profit in the service of global consumer demand. The benefits of international division of labor would be lost. Wars between socialist countries would become a new danger, as one centrally planned society attempted to forcibly obtain needed or desired goods or resources from another centrally planned society that refused to exchange in pursuit of its own domestic planning purposes and targets.

Socialism, therefore, means the demise of the economic and social unity of the world, replaced by national socialist planners potentially sealing off one country from another, with interactions and trade limited to and confined within the determinations of those same planners. The individual becomes a captive of his own nation's central planners, who determine how and what types of relationships he will be allowed to have with any and all of the other peoples around the world.

Liberty versus socialism

In a book of over 500 pages, Mises also dissects the various religious and secular ethics that had been used to rationalize and justify a collectivist system replacing a society of

free individuals respected and secure in their rights, each peacefully pursuing their own personal purposes and ends. He debunks the centuries-old presumption that individuals following their own goals come into conflict with some presumed higher social or national or collective good. He explains that there is no “social good” independent of and separate from the ends and purposes of the respective individual members of a society. The free market harmonizes the peaceful pursuits of each individual with the purposes and activities of all others.

Socialism, therefore, means the demise of the economic and social unity of the world.

Toward the end of *Socialism*, Ludwig von Mises called all friends of freedom to the intellectual battlefield:

Everyone carries a part of society on his shoulders; no one is relieved of his share of responsibility by others. And no one can find a safe way out for himself if society is sweeping towards destruction. Therefore everyone, in his own interests, must thrust himself vigorously into the intellectual

battle. None can stand aside with unconcern; the interests of everyone hang on the result. Whether he chooses or not, every man is drawn into the great historical struggle [between liberalism and socialism], the decisive battle into which our epoch has plunged us.

Mises was not unaware of how difficult is the task to oppose and defeat collectivism and socialism. In the preface that he wrote for the 1932 second edition of *Socialism*, Mises said that generations may have to pass for classical liberalism’s victory, and it was for future generations that he had written this book:

I know only too well how hopeless it seems to convince impassioned supporters of the Socialist Idea by logical demonstration that their views are preposterous and absurd. I know too well that they do not want to hear, to see, or above all to think, and that they are open to no argument. But new generations grow up with clear eyes and open minds. And they will approach things from a disinterested, unprejudiced standpoint, they will

weigh and examine, will think and act with forethought. It is for them that this book is written.

So, 100 years after Ludwig von Mises's *Socialism* was first published, it was written with you in mind, today. You are the future generation that Mises hoped for.

Richard M. Ebeling is the BB&T Distinguished Professor of Ethics and Free Enterprise Leadership at The Citadel. He was professor of Econom-

ics at Northwood University and at Hillsdale College and president of The Foundation for Economic Education, and served as vice president of academic affairs for FFE.

NEXT MONTH:
**“Would You Abdicate If You
Could Be the Dictator?”**
by Richard M. Ebeling

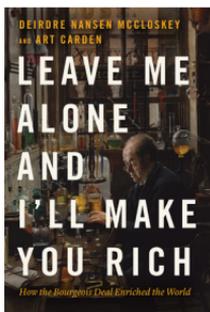
Declining mobility hurts U.S. innovation and economic growth and widens the rural-income culture gap. Government regulation plays a major role in declining mobility.

— David Boaz

Leave Me Alone and I'll Make You Rich, Part 1

by George C. Leef

Leave Me Alone and I'll Make You Rich — How the Bourgeois Deal Enriched the World by Deirdre Nansen McCloskey and Art Carden (University of Chicago Press, 2020).



Throughout almost all of human history, people lived miserably — far worse than even Thomas Hobbes famously said. Improvements? There weren't any. Happiness? That was only for the rulers. The mass of humanity was expected to endure life without complaining. Rewards might come later.

Then something happened to introduce a strange new concept, namely progress. People began to use ideas to better themselves. Like

a chemical reaction starting in a small flask, a revolution in social and economic thinking spread out from a few small places in Europe. As a result, living standards rose and today are some 3,000 percent higher than they were until just a few centuries ago. What, exactly, brought this about?

According to authors Deirdre McCloskey and Art Carden, the answer is that people accepted what they call “the Bourgeois Deal.” The book’s title explains the crucial point, which is that progress will happen when humans (all of them, not just a few) have the liberty to work for themselves. The “betterments” that some will come up with will spill over to benefit everyone else. The catalyst for mankind’s rapid advance was liberty and liberty alone.

It just so happened, the authors (of the University of Illinois at Chicago and Samford University, respectively) argue, that the idea of liberty began in northwestern Europe. The old social order (in Europe and elsewhere) put nobles, clergy, and military men as the people to revere, while merchants, artisans, and farmers were on a low plane. There was no reason why this change had to begin where it did (in the Dutch Republic, ca. 1500), but it

was there that people started to think that it was a good thing to produce, trade, and earn profits. Thus began not “capitalism” (a term the authors disdain), but “innovism.” People with a head for business were free to produce and trade, gaining for themselves if they produced what others were willing to pay for, or losing when they did not.

Enrichment comes from liberty. What extinguishes liberty is force, and the worst wielders of force are governments. Write McCloskey and Carden, “Big governments exercise more power over more people — people harmlessly chatting or strumming or knitting or dealing in the economy. We believe, and so should you, that the more involuntary masters the citizens have, the worse they do, materially and spiritually. With too many masters with too much power, they are reduced to children. Absolutely power corrupts absolutely.”

And that is what worries McCloskey and Carden — the possibility that we are moving in the wrong direction, constricting the sphere of liberty. There are lots of people who have grand ideas for fixing what they think is wrong with society, and they intend to accomplish them through government. Some of them are “progressive”

statists and others are “conservative” statistis, and where they agree is that government is the proper instrument for achieving their goals. Those who oppose their schemes are best called “liberals,” and the authors consistently refer to themselves that way. I applaud them for working to rescue a good word from a century of abuse, while at the same time clarifying our political discourse.

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The authors are unabashed optimists. They know that free people will innovate, cooperate, and peacefully solve problems. But they also recognize the power of pessimism to undermine freedom. Their book abounds in challenges to statistis, and here is one of my favorites: “You view pessimism as more honorable than optimism. Pessimism says that you really, really care about the world’s poor and les miserables, and really, really want to do more, or at least coerce other people to do more.” That’s exactly right. The most intractable opponents of liberalism in America are the wealthy urban and academic elites who fill up their lives with displays of their

compassion, which invariably involve government coercion.

Much of *Leave Me Alone* is devoted to refuting the common objections that statisticians have drummed into people's minds about the imagined dangers of a truly liberal society.

McCloskey and Carden push back against the zero-sum notion that wealth for the few entails poverty for the rest.

One of those criticisms is that if we allow “too much” economic freedom, the result will be moral and spiritual decline. Harvard philosophy professor Michael Sandel, for one, complains that markets “corrupt” things that he believes should be treated on a higher level than that of “grubby” commerce. McCloskey and Carden respond with vigor:

Sandel worries that the market can crowd out the sacred. A corporate financing of, say, elementary classrooms might crowd out self-critical teaching about innovism. Yet Sandel does not inform his students that financing by the state might crowd out self-critical teaching about the bad

results of, say, the unthinking patriotism taught to McCloskey as a child or the unthinking environmentalism taught to Carden.

Another reason why many people reject liberalism is that they believe that economic progress for some must come at the expense of others, specifically, the world's poor. Americans are told that our wealth should make us feel guilty because it means poverty for “the down-trodden.” Naturally, statisticians play on that guilt to extract taxes for foreign aid and economic development programs. Those don't do any good, except for the jobs they create for the fortunate folks who get to run them.

McCloskey and Carden push back against the zero-sum notion that wealth for the few entails poverty for the rest. They write:

For one thing, as we argue, the poor have been the chief beneficiaries of the Great Enrichment, considering that getting enough food to eat is a little more important for human flourishing than another yacht to a billionaire. For another, the Enrichment has not at all been limited to Europe and its

overseas extensions.... Even many very poor countries, like Bangladesh are now bettering at a rapid pace.

But what about the environment? If we allow liberalism to work, won't we despoil the planet, change the climate, and run out of resources? Certainly, we must have strong governmental policies to prevent that, right? The authors answer in the negative. They agree that we need to be concerned about the environment but argue that we do not need massive governmental interference, which is certain to undue much of the gains among the poor if we revert "to the preliberal, zero-sum world implied by populism, whether left or right."

Still another argument against liberalism is that it will lead to "unacceptable" inequality. The rich will get way too rich, which government must prevent. The authors respond that material equality is not an ethically relevant goal, writing, "What

matters is absolute material standards of living, not anger that someone else might be doing better." Statism thrives on envy, but, say the authors, we must not let it get in the way of progress.

Not only do we not need big government to "save us" from liberalism and enrichment, we need to steer clear of the traps it sets for us. Even "mild socialism," they write, "puts people under pressure to commit the sins of state-enforced envy or class hatred or environmental imprudence."

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