
FUTURE OF FREEDOM

VOLUME 34 | NUMBER 1

JANUARY 2023

*For only in peace can the economic system
achieve its ends, the fullest satisfaction of human
needs and wants.*

— Ludwig von Mises

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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How We Got a National-Security Police State, Part 3

by *Jacob G. Hornberger*



On February 26, 1993, terrorists detonated a truck bomb in the World Trade Center (WTC) in New York City. While the bombing did not bring down the Twin Towers, as the terrorists intended, it did kill six people and injured over a thousand. That terrorist attack was no different in principle from the one that would succeed in bringing down the WTC some eight years later.

One of the terrorists involved in the 1993 attack was a Pakistani man named Ramzi Yousef. In 1995, he was arrested in Pakistan and then extradited to the United States. Given that the terrorist attack on the WTC was a criminal offense under U.S. law, Yousef was tried in a U.S. District Court, convicted, and sen-

tenced to two life sentences plus 240 years.

At his sentencing hearing, there was no doubt that Yousef was a very angry man. This is what he stated in part to the federal judge who was about to impose sentence on him:

You keep talking also about collective punishment and killing innocent people to force governments to change their policies; you call this terrorism when someone would kill innocent people or civilians in order to force the government to change its policies. Well, when you were the first one who invented this terrorism.

You were the first one who killed innocent people, and you are the first one who introduced this type of terrorism to the history of mankind when you dropped an atomic bomb which killed tens of thousands of women and children in Japan and when you killed over a hundred thousand people, most of them civilians, in Tokyo with fire bombings. You killed them by burning them to death. And you killed civilians in Vietnam with chemicals as with the so-called Orange agent. You

killed civilians and innocent people, not soldiers, innocent people every single war you went. You went to wars more than any other country in this century, and then you have the nerve to talk about killing innocent people.

The Government in its summations and opening statement said that I was a terrorist. Yes, I am a terrorist and I am proud of it. And I support terrorism so long as it was against the United States Government and against Israel, because you are more than terrorists; you are the one who invented terrorism and using it every day. You are butchers, liars and hypocrites.

And now you have invented new ways to kill innocent people. You have so-called economic embargo which kills nobody other than children and elderly people, and which other than Iraq you have been placing the economic embargo on Cuba and other countries for over 35 years....

The federal judge, Kevin Thomas Duffy, had his own angry response to Yousef:

Ramzi Yousef, you claim to be an Islamic militant. Of all the persons killed or harmed in some way by the World Trade Center bomb, you cannot name one who was against you or your cause. You did not care, just so long as you left dead bodies and people hurt.

Ramzi Yousef, you are not fit to uphold Islam. Your God is death. Your God is not Allah....

You weren't seeking conversions. The only thing you wanted to do was to cause death. Your God is not Allah. You worship death and destruction. What you do, you do not for Allah; you do it only to satisfy your own twisted sense of ego.

You would have others believe that you are a soldier, but the attacks on civilization for which you stand convicted here were sneak attacks which sought to kill and maim totally innocent people....

You, Ramzi Yousef, came to this country pretending to be an Islamic fundamentalist, but you cared little or nothing for Islam or the faith of the Muslims. Rather, you adored not Allah, but the evil that you yourself have become. And I

must say that as an apostle of evil, you have been most effective.

Duffy was, of course, correct. In his terrorist attack, Yousef had retaliated against the U.S. government by killing and injuring innocent people — that is, people who had had nothing to do with the U.S. government’s killing of foreigners. That, in fact, is why we condemn terrorism.

The law of empire and intervention

But there is something important that Duffy failed to note: that what the U.S. government was doing in Iraq was precisely what Yousef did. U.S. officials were killing innocent people in Iraq, including children, as a way to achieve a political goal. That’s what Duffy was saying about Yousef.

Remember: That’s what the brutal sanctions against Iraq were all about. Their goal was to kill as many Iraqis as possible to induce Saddam Hussein to relinquish power, so that he could then be replaced by another U.S.-approved dictator. Recall U.S. Ambassador Madeleine Albright’s infamous statement to “Sixty Minutes” when she was asked whether the deaths of half-a-million Iraqi children from the sanc-

tions were worth it. Speaking for the U.S. government, she stated that the deaths of those children were, in fact, “worth it.”

There is another point, though, that Judge Duffy failed to make: It wouldn’t have mattered if Yousef had attacked the Pentagon or the CIA instead of the World Trade Center. Duffy would still have held that the people Yousef killed were innocent. How do we know this? Because that’s what Mir Aimal Kansi had done! He had gone out to CIA headquarters and killed people who were working for one of the governmental entities that were killing those Iraqi children. Recall that he was condemned as a vicious terrorist and given the death penalty.

What the U.S. government was doing in Iraq was precisely what Yousef did.

What people in the Middle East needed to learn was that the U.S. government wielded omnipotent authority to kill anyone they wanted, including innocent children. That’s what comes with being the world’s sole remaining empire. What people over there also needed to learn was that no one has the right to defend himself or to retaliate for what the U.S. government

does to innocent people. If anyone does defend himself or retaliates, he will be condemned as a terrorist and either be incarcerated for the rest of his life, as Yousef was, or simply executed, as Kansi was.

Terrorist motivation

In early 1998, Osama bin Laden and al-Qaeda issued a “fatwa,” or declaration of jihad, arising out of the U.S. government’s interventionism in the Middle East. Among other things, the fatwa pointed to the death and destruction arising from the U.S. war on Iraq, the stationing of U.S. troops on Islamic holy lands, and the killing of Iraqi children with U.S. sanctions. The fatwa stated, “Iraqi children are our children. You (America), together with the Saudi regime are responsible for the shedding of the blood of these innocent children.”

In that same year, al-Qaeda bombed the U.S. embassies in Kenya and Tanzania. Two years later, on October 12, 2000, a U.S. Navy guided-missile destroyer named the USS Cole, was attacked by suicide bombers while it was being refueled in Yemen, which is about 6,000 miles from American shores. Seventeen U.S. Navy sailors were killed and 37 injured. Al-Qaeda claimed responsibility for the attack.

The big lie

Then came the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001. Immediately, U.S. officials announced that the terrorists had struck America because they hated our nation for its “freedom and values.”

The fatwa pointed to the death and destruction arising from the U.S. war on Iraq.

It was flat-out lie. U.S. officials knew full well why the terrorists had struck. After all, they understood fully why Ramzi Yousef had attacked the WTC some eight years before — because he was retaliating for the U.S. government’s interventionist foreign policy, including its continuous killing of innocent Iraqi children. They also knew why Mir Aimal Kansi had killed those CIA officials outside CIA headquarters — because he, too, was retaliating for the U.S. government’s killing spree in the Middle East. It was the same motivation that had driven al-Qaeda to attack the USS Cole and the U.S. embassies in East Africa.

Prior to the 9/11 attacks, a former CIA analyst named Chalmers Johnson wrote a book called *Blowback: The Costs and Consequences*

of *American Empire*. In his book, Johnson warned that if the U.S. government did not cease its deadly and destructive interventionism in the Middle East, the result almost certainly would be a major terrorist attack here inside the United States.

He wasn't the only one. Here at The Future of Freedom Foundation, we published op-eds before the 9/11 attack saying the same thing.

Of course, it didn't take a rocket scientist to predict such a thing. All one had to do was to see what had motivated Kansi, Yousef, bin Laden, and al-Qaeda to engage in their pre-9/11 terrorist attacks.

Despite all the warnings, U.S. officials steadfastly stayed on course and continued bringing death to the Middle East all the way up to the 9/11 attacks. Those attacks turned out to be the biggest bonanza for the national-security establishment since the demise of the Cold War. The global war on terrorism would replace the global war on communism. Ever-increasing amounts of taxpayer money were now certain to flood, on an indefinite basis, into the coffers of the vast military-intelligence establishment and its army of "defense" contractors and sub-contractors. There would be no more talk of a post-Cold War

"peace dividend," much less talk about restoring America's founding governmental system of a limited-government republic. The war on terrorism would be a permanent war. The national-security state was here to stay.

**The global war on terrorism
would replace the global war on
communism.**

And woe to anyone who challenged the big lie and pointed out that the 9/11 attacks had nothing to do with hatred for America's freedom and values and everything to do with anger arising out of the U.S. government's deadly and destructive interventionist foreign policy. When we pointed that out here at FFF soon after the 9/11 attacks, we were inundated with hate mail accusing us of hating and blaming America and loving the terrorists. When Ron Paul pointed it out in that now-famous presidential debate within the Republican Party, his opponents, the audience, and the mainstream press went after him with a vengeance. It was considered imperative that everyone continue hewing to the big lie and to continue acting like the U.S. government was innocent and that the terrorists had struck simply because

they hated America for its rock and roll, its Christian churches, and its decadent lifestyle.

It's worth noting that even though one of the 9/11 targets was the Pentagon, the attackers were still condemned as terrorists. Remember: Under U.S. national-security law, the U.S. government wields the authority to kill whomever it wants. If anyone strikes back, even against a military target, U.S. national-security law holds that he will be condemned as a terrorist and incarcerated for life or simply executed.

Gitmo's kangaroo "judicial" system

After the 9/11 attacks, the Pentagon and the CIA established a torture and prison camp at the U.S. government's imperialist outpost in Cuba. The reason they chose Cuba was because they hoped to be able to operate without concern for constitutional constraints. Of course, that was a rather interesting aim, given that military and intelligence officials take an oath to support and defend the Constitution.

At Guantanamo Bay, the Pentagon established its own judicial system for trying terrorism cases. Remember: Terrorism is a federal criminal offense, not an act of war. But instead of accused terrorists au-

tomatically being tried in U.S. District Court, as Kansi and Yousef were, the Pentagon would now have the option of putting them on trial in its own judicial system at Guantanamo Bay.

The Constitution doesn't authorize the Pentagon to establish its own judicial system for trying terrorism cases.

Never mind that the Pentagon's system was a total kangaroo court, with military tribunals instead of trial by jury, coerced confessions, evidence acquired by torture, the use of hearsay, denial of a speedy trial, and many other violations of rights enunciated in the Bill of Rights. And never mind that the Constitution doesn't authorize the Pentagon to establish its own judicial system for trying terrorism cases. In the post-9/11 era, none of that made any difference at all.

Forever wars in Afghanistan and Iraq

The 9/11 attacks were used to justify the U.S. invasions and forever wars in Afghanistan and Iraq. Both invasions were undertaken without the constitutionally required declaration of war from Congress, which made both wars illegal under our form of government.

The Afghan government refused to comply with President George W. Bush's unconditional extradition demand for bin Laden. Bush ordered the invasion knowing full-well that there was no extradition treaty between Afghanistan and the United States.

Since the U.S. sanctions on Iraq had failed to bring about the ouster of Saddam Hussein from power, Bush used the deep fear arising from the 9/11 attacks to scare the American people into thinking that Saddam Hussein was about to unleash “mushroom clouds” on American cities. It was just another lie, one that succeeded in garnering the public support that Bush desired for his invasion of Iraq.

The constant stream of killings in Afghanistan and Iraq ensured that there would be a never-ending supply of terrorists who wanted to defend themselves or to retaliate. As I repeatedly pointed out, these two forever wars became the greatest terrorist-producing machine in history.

A renewed Cold War

Meanwhile, while Russia and China were under the impression that the Cold War had ended in 1989, not so with the Pentagon and the CIA. They were not about to let

go of their Cold War racket that easily. Instead of dismantling NATO or simply leaving it as was, the Pentagon began using its old Cold War dinosaur to absorb former members of the Warsaw Pact. That enabled the Pentagon to install its forces and its nuclear missiles ever closer to Russia's border, notwithstanding vehement objections, year after year, from Russian officials. When Russia repeatedly warned that Ukraine's membership in NATO was a “red line” that would result in Russia's invasion of Ukraine, the Pentagon readily crossed the red line, knowing full well that this would restore the Cold War racket against Russia that everyone thought was over in 1989.

Bush used the deep fear arising from the 9/11 attacks to scare the American people.

At the same time, U.S. officials have succeeded in reinvigorating their old Cold War racket against Red China, first by initiating a vicious trade war against China and then later by provoking China over Taiwan. It shouldn't surprise anyone when the Pentagon and the CIA reprise their old Cold War line of how the Reds are coming to get us.

A perfect world

The national-security establishment now has its perfect world — a never-ending global war on terrorism and a renewed Cold War against both Russia and China, one that is now pushing the United States perilously closer to life-ending nuclear war.

At the same time, the Pentagon, the CIA, and the NSA continue to wield omnipotent power over the lives of the American people, even as many Americans continue to thank the Pentagon and the CIA for keeping them free and safe.

Moreover, the national-security establishment's voracious thirst for ever-increasing amounts of taxpayer money continues to play a big role in the out-of-control spending, debt, and monetary debasement that threatens to take our country down from within.

The question facing the American people is: Is this the kind of life

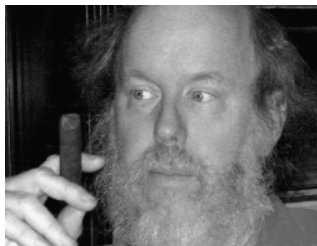
you want? If it is, then just support the national-security establishment. If instead you want a different kind of life — one characterized by liberty, peace, prosperity, and harmony with the people of the world — then it is necessary to rid our nation of the national-security state form of government and restore our founding governmental system of a limited-government republic.

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

NEXT MONTH:
**“The Roots of American
Dysfunctionality, Part 1”**
by Jacob G. Hornberger

The Federal Dietary Wrecking Ball

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by James Bovard



Politicians are hellbent on intruding further into Americans' stomachs. In September, President Biden hosted a White House Summit on Hunger, Nutrition, and Health. A vast array of activists gathered, waiting for Biden to mobilize Washington to open the floodgates to far more food handouts. But their fond hopes did not survive the opening moments of Biden's speech.

"Jackie, are you here? Where's Jackie? I thought she was going to be here," Biden pleaded from the podium. He was looking for Rep. Jackie Walorski, a Republican congresswoman from Indiana who died the previous month in a car wreck. The White House issued a condolence statement on her death at the time, but Biden forgot. Biden's

blundering and cognitive challenges were the main media storyline on the summit.

Biden's bewilderment on Jackie epitomized his cluelessness on the issue of hunger and food aid. The president ended his speech by rambling about being able to "wave a wand" to solve problems. But neither Biden nor the summit attendees admitted the vast collateral damage from a 50+ year surge of federal food aid.

Nixon started it

In 1969, President Richard Nixon held a summit on hunger and received glowing press coverage for proclaiming, "The moment is at hand to put an end to hunger in America itself for all time." In 1969, three million Americans received food stamps, a burgeoning federal program that cost \$228 million that year. In 2021, 41 million people received food stamps, and the program cost \$114 billion. Thanks to an array of other subsidies, the federal government is now feeding more than 100 million people.

At the September summit, Biden proclaimed a goal "to end hunger in this country by the year 2030." The media portrayed this as the first such pledge since the Nixon era — but they forgot one of

the biggest train wrecks of the Obama era.

In 2008, presidential candidate Barack Obama promised to end child hunger by 2015. Obama vastly expanded federal school feeding programs with the Healthy, Hunger-Free Kids Act of 2010. Thanks to that law, all schools with at least 40 percent low-income students were entitled to offer free federally subsidized breakfasts and lunches to all students. First Lady Michelle Obama, who spearheaded the effort, declared in 2010 that because children's nutrition is so important, "we can't just leave it up to the parents."

The great harm of federal school food programs

But schools offered "carb loading" more appropriate for marathon runners than for schoolchildren. Homer Simpson is the patron saint of federal school breakfasts. Donuts, pastries, apple juice, and other high-sugar foods had starring roles in school breakfast menus across the nation. Some school officials scorned parents who protested schools feeding their kids a second breakfast (after they've eaten at home) and deluging them with sugary junk.

A 2021 analysis published in the *Nutrients* journal found that almost

all school systems exceeded the dietary guidelines for sugar in breakfasts. Among the most sugar-laden foods routinely given to children were sweetened cereal, flavored milk, toaster pastries, cookies, cakes, and cinnamon buns. The Center for Science in the Public Interest recently derided public schools for relying on Lucky Charms, Marshmallow Mateys cereal, and Rich's Chocolate Chip and Cinnamon Ultimate Breakfast Rounds. It is a federal crime for food manufacturers to sell products without nutritional labeling, but the USDA does not require schools to disclose to parents how much sugar is being fed to their kids.

Almost all school systems exceeded the dietary guidelines for sugar in breakfasts.

Those free breakfasts were a linchpin of Michelle Obama's signature issue, her "Let's Move" campaign. Michelle Obama received media sainthood for her campaign against child obesity, but even more children are super-sizing nowadays. The percentage of overweight youth rose from 14.9 percent in 2009–10 to 16.6 percent in 2015–16, while the percentage of obese youth rose from 16.9 percent to 18.5 percent,

according to the Centers for Disease Control and Prevention. The *New York Times* noted in 2020 that reports that the child obesity problem had stabilized were “an illusion. If anything, things have gotten worse.”

At the September summit, Biden announced plans to “make at least 9 million more students eligible for free school meals — a major first step for free meals for every single student.” To massively expand the program, the feds reward schools that encourage all children to eat free breakfasts in the classroom. But a 2015 National Bureau of Economic Research report found that providing breakfast in the classroom (a favorite Obama administration policy) more than doubled “the likelihood of eating two breakfasts.”

Childhood obesity: made in Washington, D.C.

A 2016 *Journal of the Academy of Nutrition and Dietetics* report found that “receiving school breakfasts more than doubled the odds of becoming obese for children from families below the federal poverty line compared with children of similar socioeconomic backgrounds who did not regularly receive school breakfasts.”

School lunches have also been nutritional fiascos for almost 50 years. A 2010 University of Michigan study found that students who regularly ate school lunches were 29 percent more likely to be overweight and that consumption of school lunches was the strongest single predictor of childhood obesity.

Obesity has increased nationwide almost four-fold since 1980. Food stamps, also known as SNAP (Supplemental Nutrition Assistance Program), are a primary culprit. Walter Willett, chair of Harvard University’s Department of Nutrition, observed in 2015, “We’ve analyzed what [food-stamp] participants are eating and it’s horrible food. It’s a diet designed to produce obesity and diabetes.”

Providing breakfast in the classroom more than doubled “the likelihood of eating two breakfasts.”

A 2017 study published in BMC Public Health found that food-stamp recipients were twice as likely to be obese as eligible nonrecipients. *The American Journal of Public Health* reported in 2017 that food stamp recipients had double the likelihood of cardio-related mortality and three times the rate of diabe-

tes-related mortality than the general population, and sharply higher risks than eligible nonrecipients of food stamps.

Food stamps are simply a federal blank check to enable recipients to purchase whatever items they please, regardless of nutritional content or lack thereof. While politicians portray hunger as the gravest peril for the poor, “seven times as many [low-income] children are obese as are underweight,” the *Journal of the American Medical Association* noted in 2012.

Prohibiting the use of food stamps for sugary drinks would prevent 141,000 kids from becoming fat.

In August 2021, the Biden administration tacitly invoked obesity to justify the biggest boost in food-stamp benefits in history. USDA revised its Thrifty Food Plan, which determines food stamp benefit levels, to “reflect current realities providing sufficient energy to support current weight status.”

Angela Rachidi of the American Enterprise Institute noted, “Giving SNAP participants more money without restrictions will more than likely increase the consumption of unhealthy items, worsening the

problems of obesity and disease caused by poor diet.” Secretary of Agriculture Tom Vilsack justified the higher benefits to prevent beefy mobs from attacking USDA headquarters: “We may have a Constitution and a Declaration of Independence, but if we had 42 million Americans who were going hungry, really hungry, they wouldn’t be happy and there would be political instability.”

More than 40 years ago, the Congressional Budget Office warned that “it still remains unclear if increased food purchases ... means improved nutritional status.” In recent decades, an array of governors and mayors (including New York City’s Mike Bloomberg) sought to amend the food stamp program to cease paying for junk food. A 2014 Stanford University study concluded that prohibiting the use of food stamps for sugary drinks would prevent 141,000 kids from becoming fat and save a quarter million adults from Type 2 diabetes.

But the appearance of benevolence is worth more than the reality. When Congress was reauthorizing food assistance programs in 2018, efforts to reform the program were thwarted by “corporate lobbying primarily by the beverage and food retail industries” and “a desire by

liberals to defend SNAP as income support for the poor even if nutrition outcomes are suboptimal,” as Harvard professor Robert Paarlberg noted.

Biden’s plan more of the same

Instead of reforming food stamps to cease paying for junk food and sugar-sweetened beverages, as the American Medical Association recommends, Biden will pressure private “companies to reformulate food products.” The administration will also push for USDA regulations to compel “SNAP retailers to stock a variety of healthy foods as a basic requirement to participate as a SNAP store.” But it’s fine for SNAP recipients to buy any crap on the shelf. At least the president plans to expand “obesity counseling” for people who squander their food stamps.

The Biden administration last year canceled the requirement for able-bodied adults without children to seek work.

The White House summit ignored the role of food stamps and other benefit programs in shrinking the work force. A 2012 *Journal of Public Economics* study concluded that receiving food stamps

sharply reduces work hours by single mothers. The 2018 Council of Economic Advisors report warned that increased enrollment in food stamps was causing healthy adults to “become increasingly reliant on welfare” and producing “stalled employment growth, in part because of the disincentives welfare programs impose on increasing one’s own income.”

Those disincentives have worsened because the Biden administration last year canceled the requirement for able-bodied adults without children to seek work instead of perpetually relying on food stamps. Secretary Vilsack declared, “Groups with typically higher unemployment, including rural Americans, Black, Indigenous, Hispanic and People of Color, and those with less than a high school education would have been disproportionately harmed by this cruel policy.” At a time when employers were begging people to accept jobs, the Biden administration portrayed the necessity of working as a human rights violation — at least for those categories Vilsack recited.

Biden even believes that federal intervention is necessary to get people to take a walk. Biden declared that in too many urban and “rural communities,” there is “no safe

space for kids to play or adults to exercise.” That’s news to Idaho. Biden promised that his new infrastructure bill will solve that problem. To encourage exercise, Biden will expand the Every Kid Outdoors federal campaign. This is a paradoxical panacea coming from a politician who championed the lockdowns in 2020 and 2021 that effectively put kids under house arrest.

Biden will boost federal outlays on “nutrition research” — atop the \$2 billion a year current spending. But there are no plans to devise a measurement for actual hunger, despite a 2006 recommendation from the National Academy of Sciences. Instead, new research will focus on a “health equity lens” to expose “disparities” among different races and ethnic groups.

At the summit, Biden declared “one in 10 American households still do not have enough access to enough food.” The “one in 10” claim is a statistical sham based on inaccurate food-security surveys that mostly tabulate how many people say they have concerns about missing meals at some future time — or are unable to afford more expensive food they prefer. If someone fears running out of food on a single day (but didn’t run out), that is an indicator of being “food insecure” for the

entire year. Because the feds don’t measure actual hunger, politicians can proclaim a perpetual emergency despite a 100-fold increase in federal food spending since Nixon’s 1969 promise to end hunger.

Unfortunately, politicians can reap applause for fighting hunger regardless of the obesity, diabetes, and other problems caused by federal food programs. The tacit message of the White House summit was that no one is responsible for what they eat or how they live and Uncle Sam must take care of everybody. But if federal spending could abolish hunger, the problem would have vanished long ago. “Government feeds best” has been a disastrous recipe for America.

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:
“Biden Weaponizes Hate to Win Votes”
by James Bovard

Freedom of Conscience

by Laurence M. Vance



Libertarian philosopher and historian George H. Smith (1949–2022), in his collection of essays titled *Freethought and Freedom*, incisively remarked that “without freedom of conscience no other freedoms are possible.” It is my contention that freedom of conscience is under attack right now — in the third decade of the twenty-first century — more so than at any other time in history.

Freedom of conscience is not mentioned in the U.S. Constitution. The closest thing to it is found in the First Amendment, which reads: “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 grievanc-

es.” The “establishment” and “free exercise” clauses of the First Amendment are generally thought of as protecting the freedom of religion, which is sometimes identified with the freedom of conscience. Related to this is the prohibition of religious tests for federal office found in the third clause of the Constitution’s article VI.

But freedom of conscience cannot be limited to just religion. The Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly in 1948, “sets out, for the first time, fundamental human rights to be universally protected.” Articles 18 and 19 relate to freedom of conscience:

18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

19. Everyone has the right to freedom of opinion and expression; this right includes

freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly in 1966, and effective in 1976, expanded these two articles and added a caveat to each one:

18.1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

18.2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

18.3. Freedom to manifest one's religion or beliefs may be subject only to such limita-

tions as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

19.1. Everyone shall have the right to hold opinions without interference.

19.2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

19.3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

We may thus define freedom of conscience as the freedom of an individual to hold a viewpoint, belief, or thought — religious or otherwise — without state interference, coercion, or molestation.

Religion

Freedom of religion is certainly a major part of freedom of conscience. Americans generally take religious freedom for granted because it is so ingrained in American culture. Such was not always the case, however, especially in colonial New England. The story of the banishment of Anne Hutchinson and Roger Williams from the Massachusetts Bay Colony is well known. Even for several years after the adoption of the Constitution, the new states of Connecticut, Massachusetts, and New Hampshire had established churches.

But in many countries of the world, even in the twenty-first century, freedom of religion is precarious. In compliance with the International Religious Freedom Act of 1998, the U.S. State Department submits an annual report to Congress on international religious freedom that “describes the status of religious freedom in every country.” The report covers government policies violating religious belief

and practices of groups, religious denominations and individuals, and U.S. policies to promote religious freedom around the world.” For example, in Saudi Arabia:

The country’s official religion is Islam and the constitution is the Quran and Sunna (traditions and practices based on the life of the Prophet Muhammad). The legal system is based largely on sharia as interpreted by the Hanbali school of Sunni Islamic jurisprudence. Freedom of religion is not provided for under the law. The law criminalizes “anyone who challenges, either directly or indirectly, the religion or justice of the King or Crown Prince.” The law bans “the promotion of atheistic ideologies in any form,” “any attempt to cast doubt on the fundamentals of Islam,” publications that “contradict the provisions of Islamic law,” and other acts, including non-Islamic public worship, public display of non-Islamic religious symbols, conversion by a Muslim to another religion, and proselytizing by a non-Muslim.

Most Americans and citizens of other “free” countries — whether they are religious or not — are justly horrified at such a disregard for religious freedom. But as I have maintained, freedom of conscience cannot be limited to just religion.

Violations of conscience

Violations of freedom of conscience are now a regular occurrence in America and other “free” countries. Last October, PayPal announced a disturbing revision to its terms of service, and then retracted it. Users who “promote misinformation” could lose their accounts and have \$2,500 taken out of them for each violation at PayPal’s “sole discretion.” And aside from this, “prohibited activities” that could also trigger a \$2,500 fine include any activities that relate to transactions involving “intolerance that is discriminatory.” But as we know all too well, bans on “misinformation” by tech companies and social media platforms are applied almost exclusively to those who question or criticize government policies, woke ideology, or a progressive worldview.

It used to be that you were just looked down on for holding “politically incorrect” ideas or called a crackpot or conspiracy theorist for thinking contrary to the official

narrative of the regime historians regarding the causes of the Civil War, the necessity of the atomic bombing of Japan, municipalities adding fluoride to drinking water, the JFK assassination, the events of 9/11, the necessity of the Cold War, World War II as a “good” war, and the attack on Pearl Harbor. But now anyone who questions the integrity of the 2020 election, anthropogenic climate change, transgenderism, the merits of recycling, the effectiveness of the COVID vaccine, or the efficacy of the vaccines in general is shunned or canceled.

Freedom of conscience cannot be limited to just religion.

But, it is argued, these violations of conscience are committed by private actors. True, but violations of conscience are routinely committed by government entities as well, with even worse consequences. There is no greater current example of this than the tyrannical response of federal, state, and city governments to the COVID-19 “pandemic.” And there has been no greater violation of freedom of conscience than COVID-19 vaccine mandates.

In New York City, all municipal employees were required to take the vaccine, and over 1,500 municipal

workers were fired for refusing to be vaccinated. Businesses in the city were required to mandate that their employees get vaccinated. The city also required for a time that patrons of restaurants, bars, entertainment venues, and gyms be vaccinated or be refused admittance. California was the first state to require that all teachers and staff in K-12 public and private schools be vaccinated. The state has also announced a vaccine mandate for students but has not implemented it yet. The federal government, via the Occupational Safety and Health Administration (OSHA), issued an “Emergency Temporary Standard” (ETS) requiring that businesses with 100 or more employees mandate that they get the vaccine.

But what if someone doesn't want to get the COVID-19 vaccine?

Businesses that refused to abide by the rule faced heavy fines of up to \$136,532. President Biden also issued an executive order requiring vaccination for all federal employees. Although these mandates are no longer in force, the Department of Defense still requires that all U.S. troops and Defense Department personnel get vaccinated. And according to the *Military Times*, “at

least 3,400 troops have already been involuntarily separated from service for refusing to get the COVID-19 vaccine in recent months.” Non-U.S. citizens are still required to show proof of being fully vaccinated before they are allowed to travel by air to the United States from a foreign country.

But what if someone doesn't want to get the COVID-19 vaccine? What if someone thinks that the vaccine doesn't work? (And if the vaccine does work, then whom is he harming by not getting it but himself?) What if someone thinks that the risks of the vaccine are greater than the benefits of the vaccine? What if someone thinks that the vaccine has not been adequately tested and therefore wants to wait a while before getting it? What if someone thinks that the vaccine is unnecessary? What if someone thinks that adults shouldn't need to get any vaccines? What if someone thinks that the vaccine is harmful? What if someone thinks that the vaccine is deadly? What if someone thinks that although the vaccine might be a good thing, he questions the government's pressuring people into getting it? What if someone is not sure about the effects of the vaccine on his children and wants to err on the side of caution and not

get them vaccinated? What if someone just wants to weigh the evidence and make up his own mind about the vaccine?

**Violations of freedom of
conscience target not actions,
but nonactions.**

The answer can be found in the world of professional wrestling. The popular wrestler Dwayne Johnson — known as The Rock — would often while doing an interview — famously, and to great comic effect — ask the interviewer a question about what he thought about something, but then when the unsuspecting interviewer started to answer, Johnson would immediately shout out: “It doesn’t matter what you think.” As far as the government is concerned, it doesn’t matter what you think about the COVID-19 vaccine. And this is what is so insidious about violations of freedom of conscience: They target not actions, but nonactions — thoughts, beliefs, opinions, feelings, viewpoints, conclusions, attitudes, notions, perspectives, judgments, and ideas. But even before the “pandemic,” there was a violation of conscience that was, and still is, just as insidious. And even worse, this violation of conscience is univer-

sally accepted by people from all walks of life and every political persuasion. I am talking about anti-discrimination laws.

Discrimination

A man used to be lauded for having discriminating taste, but now he is lambasted for being discriminatory. Notice the difference between discrimination in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). It started out innocuously as: “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.” But then it was insidiously expanded: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Likewise in the United States, the

list of protected classes keeps growing. What began in the Civil Rights Act of 1964 as discrimination against an individual's race, color, religion, or national origin now includes the constructs of sexual orientation and gender identity.

Consider the ongoing case of Jack Phillips, the owner of Masterpiece Cakeshop in Denver. In 2013, he was accused by Colorado's Civil Rights Commission (CCRD) of discriminating against a homosexual couple because — based on his religious beliefs — he refused to bake them a cake for their “wedding.” An administrative law judge ruled in favor of the couple. The decision was appealed to the Colorado Court of Appeals, which again ruled in favor of the couple. The U.S. Supreme Court eventually heard the case in 2018, but it ruled in favor of Phillips because “the Commission's actions here violated the Free Exercise Clause.” Soon after the decision, Autumn Scardina requested that Phillips bake him a “gender transition” cake that was pink on the inside and blue on the outside. When the baker refused, another discrimination complaint was filed with the CCRD. After Phillips countersued, the state of Colorado and the baker mutually agreed to drop their lawsuits. But

then Scardina filed a civil suit in state court and won the case. Phillips was fined \$500 and appealed. What he believed about religion, thought about sexual orientation, concluded about same-sex marriage, and felt about gender identity was irrelevant to the government entities that ruled against him. Phillips hit the nail on the head last year when he said, as reported by the AP, that he was fighting for the rights of all Americans to live according to their consciences “without fear of punishment” by government.

Antidiscrimination laws are the ultimate violation of freedom of conscience.

Antidiscrimination laws are the ultimate violation of freedom of conscience because they target not actions, but nonactions. Discrimination — against any individual or group, on any basis, and for any reason — is not aggression, force, coercion, threat, or violence. It is therefore a crime in search of a victim. Every real crime needs an identifiable victim who has suffered measurable harm to his person or measurable damages to his property. The law should only be concerned with conduct and actions, not thoughts and opinions. Discrimi-

nation should therefore never under any circumstances be a crime. Thinking a certain way about a person because of his race, color, religion, sex, sexual orientation, gender identity, appearance, language, disability, age, national origin, socio-economic status, political party, or hair style may be bigoted, sexist, homophobic, xenophobic, racist, illogical, intolerant, narrow-minded, closed minded, absurd, immoral, or foolish, but the right to discriminate is essential to a free society.

In a free society, everyone has the natural right to believe, think, or imagine whatever he wants to believe, think, or imagine about any individual or group, and then to choose to associate with or not associate with, employ or not employ, rent to or not rent to, serve or not serve, date or not date, loan money to or not loan money to, go into business with or not go into business with, sell to or not sell to, or buy from or not buy from any individual or group on the basis of those beliefs, thoughts, or imaginations. Those beliefs may be erroneous, those thoughts may be irrational, and those imaginations may be nonsensical, but in a free society, everyone is entitled to have his own beliefs, thoughts, or imaginations. They may be based on stereotypes,

prejudice, or bigotry, and the acts of discrimination that they engender may be arbitrary, capricious, or subjective, but in a free society, the right to discriminate is essential and absolute. Discrimination should be lawful because in a free society, no one has the right to any particular employment opportunity, hotel to stay at, house to buy, apartment to rent, person to date, spouse to marry, friend to hang out with, church to attend, club to join, association with any group, membership in any organization, or business to patronize.

The libertarian position on discrimination has nothing to do with racism, sexism, prejudice, bigotry, or hate; it has everything to do with property rights, freedom of contract, freedom of association, and, most importantly, freedom of conscience.

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Lionel Robbins on the Logic of Choice and a Liberal International Order

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by Richard M. Ebeling



It is probably not too much of an exaggeration to say that British economist Lionel Robbins (1898–1984) was one of the most influential economists of the last hundred years without most economists, nowadays, being aware of it. This is all because of a relatively short book that he published over 90 years ago, *An Essay on the Nature and Significance of Economic Science* (1932).

He left this impact by defining economics as “the science which studies human behavior as a relationship between ends and scarce means which have alternative uses.” That is, the foundational aspect of economics is the logic of choice, or the formal decision-making pro-

cess of individuals to determine how best to allocate scarce means among competing ends. As Robbins more fully expressed it:

The time at our disposal is limited. There are only twenty-four hours in the day. We have to choose between the different uses to which they may be put. The services which others put at our disposal are limited. The material means of achieving ends are limited.... Everywhere we turn, if we choose one thing we must relinquish others which, in different circumstances, we would wish not have relinquished. Scarcity of means to satisfy ends of varying importance is an almost ubiquitous condition of human behavior. Here, then, is the unity of Economic Science, the forms assumed by human behavior in disposing of scarce means.

Economics a universal science of human choice and action

From the time of Adam Smith, economics was, at first, looked at as *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776). Beginning with David Ri-

cardo in the early nineteenth century, most books on political economy (as economics used to be called) viewed its subject matter to be a study of the production, consumption, and distribution of wealth. In fact, this phrase often appeared in the title or subtitle of volumes on “the principles of political economy.” Economics was seen as an investigation into the “material side” of human endeavors. Anything not concerned with the production and sale and use of material wealth that had been bought and sold on the market was said to be matters of the “noneconomic aspects” of human life.

No human conduct is without its economic aspect.

In the late nineteenth century and the early decades of the twentieth century, some economists began looking for a wider understanding and more unifying conception of human decision-making. This culminated in Robbins’ 1932 definition of economic science, quoted above. Among the primary influences on Robbins had been the “Austrian” economists, in particular, Ludwig von Mises. Certainly, since the 1940s, virtually every principles of economics text-

book from which millions of students have learned their basic understanding of the subject have been introduced to it through some version of Lionel Robbins’ definition of economics, with its universal reference to all human conduct. “It is clear that behavior outside of the exchange economy is conditioned by the same limitations of means in relation to ends as behavior within the economy, and is capable of being subsumed under the same fundamental categories,” Robbins said. No human conduct is without its economic aspect.

One implication of this was that all social analysis must start with the individuals who are the building blocks of societal interaction. Only individuals reason; only individuals have wants and desires; only individuals decide on goals or ends to pursue; and only individuals imagine possible means to attend their ends. Therefore, to speak of “society wanting,” or the “community desiring,” or the “nation acting” is to assign to a shorthand conceptualization a misplaced reality to what are the interactions of multitudes of deciding and choosing individuals in various settings inside and outside of the marketplace. This also means that there are “no free lunches,” that is, everything we

do necessitates trade-offs, the forgoing of one thing to obtain another, given the insufficient means to attain any and all of our desired ends.

Indeed, all the core concepts of economics, ends and means, costs and benefits, marginal decisions, trade-offs, exchanges, and gains from trade, profit, and loss are not narrowly present and limited to the institutional workings of a market economy. No, they are present in each and every choice and action we undertake, whether in splendid self-sufficient isolation, or in the arena of free-market competition, or under regimes of socialist central planning or the interventionist-welfare state. “Economics,” therefore, is in us, and not in some external given societal setting such as “capitalism.”

Or as Robbins’ mentor on much of this, Ludwig von Mises, explained in 1931, a year before Robbins’ book appeared:

If, however, every conscious conduct is an act of rational economizing, then one must be able to exhibit the fundamental economic categories involved in every action, even in action that is called ‘non-economic’ in popular usage.

And, in fact, it is not difficult to point out in every conceivable human — that is, conscious — action the fundamental categories of catallactics, namely, value, good, exchange, price, cost.... In this sense [economics] is universally human, and not limited to nationality, bound to a particular time, or contingent upon any social class.

Not falling into collectivist fallacies of supposed free lunches

To forget this is to risk a wide variety of collectivist fallacies, all of which end up restricting or preventing through political coercion the free choices and actions of many individuals in the name of “society,” or “community,” or the “nation.” What this really means is that one group of individuals use political means to impose its preferred ends, goals, and purposes on other individuals under the sleight-of-hand of saying that what they want is really “society” demanding, “the people” insisting, or “the nation” deciding to go in particular directions.

Too frequently, these elements in all human decision-making get hidden from view in many economic policy discussions, when the presumed benefits from various

governmental programs are highlighted with little or no discussion or even reference to the questions: From whence will come the needed scarce means to pursue the politically chosen end? What, therefore, will have to be foregone or sacrificed to obtain it? And who — which real individuals — will have to pay the price in terms of redistributed income, or restricted choices from government regulation, or reduced freedom due to imposed political plans that nullify the plans and voluntary interactions of millions of individuals?

Using the history of economic ideas to explain free markets

Robbins was not a proponent of strict laissez faire in social and economic affairs, indeed, rather far from it. In his later years, especially, he viewed himself as, broadly defined, a classical liberal who appreciated the importance of the freedom of the individual, the benefits from voluntary association, and open, competitive markets. Robbins was also a master of the history of economic ideas and often used this wealth of knowledge to explain the theoretical and policy perspectives of the eighteenth- and nineteenth-century classical economists and liberals, and in the process also

implicitly told the reader what his own policy views were through their words.

For instance, in his *The Theory of Economic Policy* (1952), Robbins presents in detail what he understood to be the ideas of the classical economists of the eighteenth and nineteenth centuries. In enunciating their premises and perspectives, Robbins also shows what he considered to be the guideposts for sound economic policy:

It is the specific contribution of the Classical Economists ... that they recommended ... the System of Economic Freedom. Given a certain framework of law and order and certain necessary government services ... they conceived that the object of economic activity was best attained by a system of spontaneous cooperation. As consumers, the citizen should be free to buy what best pleased their fancy. As producers, as workers or owners and organizers of the means of production, they should be free to use their labor power or their property in ways which, in their judgment, would bring them the maximum reward in money

or satisfaction. It is the impersonal mechanism of the market, which, on this view, brings it about that the interests of the different individuals are harmonized.... It follows that it should be the prime object of policy that trade and industry should be free, and that where obstacles to this spontaneous cooperation exist, they should be swept away.

Robbins made a point of emphasizing the views of the classical economists on the necessity for a rule of law with impartial justice and proper enforcement to ensure that the competitive free-market “rules of the game” are respected and protected. And that they had, in fact, a fairly long list of additional things they thought government should do, even in a primarily classical-liberal, free-market setting.

Robbins summarized the classical economists’ views on socialism.

He also summarized the classical economists’ views on socialism and the central direction of economic affairs by a controlling governmental authority. Allowing a number of these classical econo-

mists to speak for themselves, for example, in extended quotes from Adam Smith, Jeremy Bentham, and especially Nassau Senior, Robbins concluded this part of his discussion with Senior’s words: “If this system [socialism] should ever be attempted to be adopted ... it will be necessary to substitute fear, in the socialist nation, unless it is to starve, and must be divided into slaves and slave drivers.” It was not difficult to associate Robbins’ own views on collectivism with the voices of those he chose to highlight.

Robbins’ role and influence at the London School of Economics

But it was in the period between the two world wars, in the 1920s and 1930s, that Robbins’ contributions to classical-liberal thinking was particularly noteworthy. Robbins was born in 1898. He served on the western front in France during the First World War. His first intention upon returning from the war was to study literature at university, but he ended up turning to economics at the London School of Economics (LSE) and was especially influenced by lecturers such as classical-liberal-oriented economists Edwin Cannan and Theodore E. Gregory.

The LSE had been founded in 1895 by two leading Fabian social-

ists, Beatrice and Sidney Webb. Their vision was for incremental and democratic change in moving society toward socialist reforms through influencing the climate of ideas and, therefore, public opinion. But the LES had a variety of eclectic views in the form of the teaching faculty. In the late 1920s, Robbins was hired on to the faculty and took over responsibility and oversight for a good deal of the academic economic content of the institution.

Robbins published in 1934 an insightful analysis of the causes and cures for the depression of the early 1930s.

He greatly influenced the LSE's development and growing international stature as an institution of higher learning in the 1930s. For instance, in 1931, he brought Austrian economist Friedrich A. Hayek to the school to deliver a series of lectures that became Hayek's book *Prices and Production* (1931), which then led to Hayek being offered a position at the school he held until the late 1940s. Indeed, under Robbins' and Hayek's influence, the LSE came to have a distinctively, though far from exclusively, "Austrian" tilt. Arnold Plant, who also taught at the LSE, recalled that when he was

in Kiel, Germany, in 1933 and the first waves of university professors were being expelled by the Nazis, a young German academic said to him, "I suppose ... that LSE will have no vacancy for me, now that you have become 'ein Vorort von Wien' — a suburb of Vienna."

Robbins' Austrian analysis of the Great Depression

Inspired by Mises's and Hayek's "Austrian" theory of the business cycle, Robbins published in 1934 *The Great Depression*, an insightful and in places eloquent analysis of the causes and cures for the depression of the early 1930s. Out of the wreckage and imbalances left in the wake of the First World War, the European economies attempted to return to some economic order and normality. But monetary mismanagements in Great Britain's return to a gold standard in 1925 and price level "stabilization" policies, followed by the Federal Reserve in America during much of the 1920s, succeeded only in creating the instabilities that helped bring about the stock-market crash of 1929.

This was followed by a large array of government interventionist policies, all of which ended up exacerbating the distortion and misdirection of capital and labor

through attempts to prevent the needed competitive adjustments in the relative structure of prices and wages. The cumulative effect was the economy-wide declines in output and employment. The policy prescription that Robbins offered was, in effect, a return to competitive free markets, at home and abroad, noninflationary monetary policies, and an end to government interventions in the marketplace.

Economic benefits from a liberal international order

His next book was *Economic Planning and International Order* (1937). Robbins' analytical canvas was the global economy from a classical-liberal, cosmopolitan point of view. Explaining the liberal perspective, Robbins said:

Here on one side are the hundreds of millions of consumers who constitute the population of the planet. On the other side are the self-same people with their various aptitudes and opportunities as producers and the mechanical and natural resources which are available. What are the essentials of an organization which shall bring it about that these productive powers are

used in such a way as to satisfy as fully as possible the various wants of the citizens?

Clearly two things are necessary. Firstly, we need an apparatus which will register the strength of demand and the relative capacity of the different instruments of production to satisfy it. Secondly, we need institutions of decentralized initiative operating in such a way as to involve a continuous tendency to apply productive resources at the point of highest return. We need to know the demands of the consumers and the relative effectiveness of different ways of satisfying them: and we need an organization of production which will bring it about that no resources can be devoted to produce any but the highest return without loss falling on those responsible for controlling them....

The essentials of such an organization are provided by the free market and the institution of private property. A free market prices both products and the factors of production which produce them. It rewards with higher gains, and transfers to lines of production where production is most ur-

gently needed. It punishes, with loss and reduction of income, continuance of production when the factors of production involved can produce a higher return elsewhere. The institutions of private property provide for decentralized initiative; and this initiative in turn creates the market as an organizing principle.

“The citizen, as producer, is not compelled by physical or legal coercion.”

Given their power to demand, which springs from the past value of their services and property, the citizens exercise through the market continuous control over the future disposal of their work and their resources. The citizen, as producer, is not compelled by physical or legal coercion to put his services and property to the uses in which they produce most in value terms. But if he chooses to refrain from doing so, his own power to consume in the future is curtailed to the extent of his refusal... In this way the maximum division of labor which is compatible with given tastes

and given technique is continuously reinforced.

This, Robbins argued, is the essential institutional framework and workings of the (classical) liberal economic plan for interpersonal prosperity. The free-market order is not an ideal just for Great Britain, or America, or any other particular country or people. It is an ideal for all of humanity, in which everyone, everywhere, may be bound together in a global social system of personal freedom as consumers and producers, demanders and suppliers, through the voluntary associations of peaceful and mutually beneficial production, trade, and commerce reflected in an international network of division of labor.

Peace, freedom, and prosperity under liberalism

This makes the liberal, free-market ideal cosmopolitan and universal in its possibility and promise. Eliminate barriers to the free movement of goods, money, and even people, and not only are the widest economic improvements made possible: It also diffuses many if not most of the rationales and justifications for war. What's the point of militarily and politically conquering other nations if anything

that is wanted is peacefully and noncoercively purchased from others looking for buyers for their resources and wares.

Robbins also pointed out that even if the entire world was not yet ready to follow the liberal plan for peace and prosperity, “It still remains true that the more liberalism it introduces into its arrangements the greater will be the resulting gain of wealth and stability. A single country or group of countries can pursue many of the aims of international liberalism in a world given over otherwise to interventionism and central planning and enjoy some at least of its benefits.” Unilateral freedom and free trade are means for nations to move in the direction of more liberty.

Unilateral freedom and free trade are means for nations to move in the direction of more liberty.

The greater part of *Economic Planning and International Order* offers a critique of the rationales and attempts to supplant a competitive market system with various forms of extensive government intervention, regulation, and comprehensive central planning. Domestic interventionism and trade protectionism are simply methods of

piecemeal government planning. Introduced in democratic countries in which interest groups attempt to influence the interventionist policies of those running for and holding office, they often result in a hodgepodge of often inconsistent and contradictory purposes and outcomes that represent various types of economic irrationality.

Attempts to overcome this with the implementation of overarching central plans present a different set of problems and dangers. The world is divided into nation-states, so central planning results in various forms of national socialism, in which national central planners must politicize international relationships as each respective government monopolistically determines the allocation of its own nation’s resources, capital, and labor supplies. Trade between countries becomes “affairs of state” and runs the risk of conflicts among nations as each limits and determines what other nations may obtain from them via politicized trade decision-making.

Trade barriers can lead to deadly and destructive wars

Indeed, in his later books, *The Economic Basis of Class Conflict* (1939) and *The Economic Causes of War* (1939), Robbins strongly sug-

gested that protectionist trade barriers designed to control and secure domestic markets and jobs serve as an avenue to war when nations restricted from one country's market go in search of others by conquest if it is a more profitable means of getting what it wants. Robbins saw this at work in Japan's invasion of China in the 1930s:

Whatever we may think of the justice of the Japanese attack on China, there can be no doubt of its connection with the restriction of the Japanese market [in the U.S. and the British Empire].... I would say nothing to extenuate this ghastly crime [Japan's invasion of China in 1937] against humanity. But I should be glad to think that some of those leaders of English opinion who wrote so glibly ... on the necessity of checking Japanese exports in the interest of Lancashire cotton could have it brought home to them that they, too, are not wholly guiltless of the desolation of the Chinese peasantry and the murder of women and children.... The connection between such events and the invasion of China is so obvious as to need no elaboration.

Robbins under the influence of Keynes and interventionism

Soon after the war in Europe had broken out, Robbins was employed as an economic consultant in the Office of the War Cabinet for the duration of the conflict. During the years he worked in government and had a variety of contacts with John Maynard Keynes, he moved in a far more "moderate" direction on matters of macroeconomic "activism" and positive roles for government in society.

He remained, nonetheless, a strong advocate of a competitive and functioning market economy. He continued to warn of the dangers from monetary mismanagement and its inflationary consequences. And he most certainly continued to emphasize the fundamental principle of personal liberty in its various facets for the preservation and morality of a free society. In a lecture entitled *Liberty and Equality* (1977), he said:

From my point of view the concept of liberty essentially means personal freedom from coercion by other people.... If we say that a man has liberty of action, we mean that he is not impeded by deliberate interference by someone else....

It is only action or expression which is free, which can be the subject of moral judgement at all.... Unless it is present, human action is not susceptible to ethical judgement.

Robbins warned of the political and social dangers from attempts to impose redistributive economic equality among the members of society.

Again, while in these later decades he was not immune from suggested policies of limited redistribution, he still believed that the central elements of any notion of “equality” were equality before the law and equality of opportunity in the sense of the abolition of all government regulations and prohibitions that prevented or restricted any individual’s attempt to improve his circumstances on the open and competitive market. Likewise, Robbins warned of the political and social dangers from attempts to impose redistributive economic equality among the members of society.

Robbins, a master of his subject

In the early 1980s, I taught in Ireland for two years, with frequent

visits to London. During one of those trips in 1982, I had the opportunity to meet Lionel Robbins at the LSE. I attended two of his lectures on the history of economic thought. Robbins’ subject during those two sessions was Thomas Malthus and his theory of population. With delightful wit and rhetorical charm, he took the students through the premises of Malthus’s theory, along with its evolution through its various revised editions, and its meaning and relevance today. At the end of both classes, the students gave Robbins a standing ovation, which was fully deserved given the brilliance of the form and content of the presentations.

I also had the chance to spend a few hours with him in his office at the LSE. His vast knowledge of the history of economic ideas soon became apparent, matched only by his amazing memory of the details of the ideas of almost any old economist that he or I brought up in the conversation. He sometimes quoted them from memory, verbatim, in both English and in German when referring to the Austrian economists of the late nineteenth century! If anyone was a true master of his subject, Lionel Robbins was an embodiment of it.

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NEXT MONTH:
“Republican Déjà Vu”
by Laurence M. Vance
“The Life and Significance of
F. A. Hayek”
by Richard M. Ebeling

On every question of construction, carry ourselves back to the time when the constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.

— Thomas Jefferson

The Historical Foundation of Civil Liberties, Part 3

by Tom G. Palmer



Let's examine the contemporary use of the term civil liberties. The use of the term in the way that we're now accustomed to dates to the repressive measures of World War I in the United States. Think about the Espionage Act of 1917, for example. It criminalized the dissemination of information or material that would encourage disloyalty and subversion, as well as obtaining information, pictures, and so on that may be used to harm the United States. Charles Shank was arrested and convicted for distributing leaflets encouraging people to resist military conscription. His conviction was upheld by the Supreme Court. Seventy-four newspapers were denied mailing

privileges because of their coverage of the war or their editorials against it. This was used to control expression of ideas and their dissemination through the mail. Of course, the federal government had a monopoly on the mail, so this was easy to do.

The Sedition Act and other federal transgressions

That was followed by the Sedition Act of 1918, which was a set of amendments added to the monstrous and terrible Espionage Act of 1917. It made it a crime to “willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of the Government of the United States,” or to “willfully urge, incite, or advocate any curtailment of the production” of the things “necessary or essential to the prosecution of the war.”

Eugene Debs was convicted of sedition under this act after he went to a prison where three people had been imprisoned for violating the Espionage Act and gave a speech outside to over a thousand people, saying the Espionage Act was unconstitutional and terrible. Interestingly enough, he was pardoned by the Republican president, Warren G. Harding, elected after the war.

The next repressive measure was the Palmer Raids, and as far as I know, there's no personal relation to my branch of the Palmer family. The Palmer Raids of 1919–1920 really focused attention on what was possible when these kinds of powers were exercised by the officials of the state. Thousands and thousands of people were arrested and charged with crimes and then deported for being critical of the government. It was at this time that a lot of people — in the media, business, and the judiciary, among the legal profession — started to voice their concern and their opposition to this crackdown on the freedom of people to express their opinions, the freedom to dissent from the policies of the state. And thus a movement was organized for civil liberties.

The ACLU fights back

Among the organizers was the National Civil Liberties Bureau in 1917 was Roger Baldwin, who later became the executive director of the reorganized and renamed organization known as the American Civil Liberties Union, and he was in that position for many, many years. They brought about an enormous number of landmark cases in which the judiciary explicitly limited the

power of the state. In 1925, one of their victories was the application of the First Amendment to the states, the incorporation into the Fourteenth Amendment of the First Amendment as a restriction on the power of the several states. The right to a fair trial was affirmed — you could not exclude people on the basis of their race from a jury. The famous Scottsboro Boys case in which Black jurors or potential jurors had been excluded was ruled illegal. In 1943, the courts confirmed that Jehovah's Witnesses could not be compelled to salute the flag contrary to their religious principles. They affirmed the right to travel in a famous case in 1950, and many more that I think people are generally more familiar with. The American Civil Liberties Union brought this issue of civil liberties to the fore.

The ACLU brought about a number of landmark cases in which the judiciary explicitly limited the power of the state.

I'd like to conclude with some thoughts on whether it's time to revive an older and more encompassing idea of civil liberties. I mentioned at the beginning that civil liberties are commonly distin-

guished from, and sometimes even considered superior to, economic liberties. But there's a deep question: If the First Amendment affirms the liberties of speech and of the press, can we exercise those liberties without property rights in presses, in papers, and so on? In many cases, what happens in authoritarian states is the state monopolizes the use of printing presses and newsprint and so on. So although one may be formally guaranteed a right to freedom of expression or a right to a free press, in the absence of the ability to buy a press, to own a press, to control it, to distribute your material, or, as we saw in the case of the postal monopoly in the United States with the Espionage Act, just to disseminate it through the postal monopoly, those are all chokepoints on the exercise of your liberty.

The wide scope of civil liberties

This idea of civil liberties needs to be embedded in the older concept of civil liberty. To give an example: the right of locomotion. That great classical liberal Frederick Douglass in his arguments in favor of liberty focused on not just freedom of speech, which was very important, but as a formerly enslaved person who liberated himself and

liberated so many others, the right to control your life in general. And one of those was the right to come and go as you please. He says, "There are such things in the world as human rights. They rest upon no conventional foundation but are external, universal, and indestructible. Among these is the right of locomotion, the right of migration, the right which belongs to no particular race but belongs like to all and to all alike." Here he was addressing specifically restrictions on movement by people from China or Japan or of Chinese or Japanese descent. He said, "This is not a right or freedom that is restricted to any one group but is a universal human right, the right to come and go as you please."

**The burden of proof
is on the one who would restrict
your liberty.**

I think doing that will depend on restoring a principle in law of the presumption of liberty. That's a very important idea. We have the presumption of innocence in law. I don't have to prove myself innocent of all of the potential charges that could be lodged against me. It's simply an impossible burden that the accused should show himself or

herself to be innocent of all possible charges. Instead, the epistemic burden — the burden of proof — is on the prosecutor to prove that you are guilty. That is the foundation of a system of justice. You are presumed innocent until and unless you are proven to be guilty. The parallel with regard to liberty is you are presumed to have the liberty of action — to do as you want, to live as you please, as Aristotle put it, to express the opinions that you have in the way that you want to express them. That is presumed to be your liberty unless it can be shown that there is some sufficient reason to restrict it. But the burden of proof is on the one who would restrict your liberty, not on the one who would exercise it.

If you want to bake a cake for your child's birthday party, you shouldn't have to get permission from the Ministry of Cake Baking to do so. It's presumed you can bake a cake. You don't have to go to the Ministry of Cake Baking and the subdivision of birthday cakes to get permission or a license to do so. You may act as you want, unless, of course, there's some sufficient reason to restrict you. For example, you're baking outdoors during a drought season and a random spark flying out might cause the entire

area to ignite in flames and harm others. That would be a sufficient reason, or could be a sufficient reason, to restrict you, and indeed in parts of the western United States, there are restrictions on outdoor barbecuing or even smoking because of the dry tinderbox conditions and the possibility of harming others by setting a fire in motion.

I hope that in the subsequent presentations that'll be made by others in this series, we'll find out if it's possible to restore lost civil liberties or liberties that are in process of being lost, and to do so in the context of restoring the deep connection between civil society and civil liberty.

This article is from a transcript of the opening presentation of FFF's September 21, 2021, conference "Restoring Our Civil Liberties."

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The sovereign, after taking individuals one by one in his powerful hands and kneading them to his liking, reaches out to embrace society as a whole. Over it he spreads a fine mesh of uniform, minute, and complex rules, through which not even the most original minds and most vigorous souls can poke their heads above the crowd. He does not break men's wills but softens, bends, and guides them. He seldom forces anyone to act but consistently opposes action. He does not destroy things but prevents them from coming into being. Rather than tyrannize, he inhibits, represses, saps, stifles, and stultifies, and in the end he reduces each nation to nothing but a flock of timid and industrious animals, with the government as its shepherd.

— Alexis de Tocqueville

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