

The Industrial Radical

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Liberty the Mother not the Daughter of Order

Spring 2013

THE REVOLUTION COMES TO TURKEY



Seeing Like a Surveillance State

The Market vs. Pipelines and Sweatshops

Margaret Thatcher: Friend or Foe?

3-D Guns in a World of 2-D Laws

Bastiat Was a **Red!**

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The Industrial Radical is devoted to radical libertarian political and social analysis in the tradition of Benjamin Tucker's 1881-1908 *Liberty*, Emma Goldman's 1906-1917 *Mother Earth*, and Murray Rothbard's 1965-1968 *Left & Right*.

The title "Industrial Radical" honors the libertarian and individualist anarchist thinkers and activists of the 19th century, who were "industrial" in the sense of championing what they called the industrial mode of social organization, based on voluntary cooperation and mutual benefit, over the militant mode, based on hierarchy, regimentation, and violence; and who were "radical" in the sense of recognising that social problems are embedded in sustaining networks of institutions and practices, and so can be addressed only via thoroughgoing social change. Their approach informs our vision.

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An Open Letter to the Turkish Protestors

Center for a Stateless Society

[16 June 2013, C4SS]

We at the Center for a Stateless Society stand in solidarity with you, the Turkish protestors, in your struggle that began with resistance to a particular instance of government cronyism but has widened into a revolt against police-state tactics, religious intolerance, and corporate privilege generally. Thank you for heroic and inspiring efforts!

The Center for a Stateless Society stands for *left-wing market anarchism*: *anarchism*, because we favor the establishment of a peaceful, free and orderly society without any state; *market*, because we defend market mechanisms as desirable and equitable means of non-state social coordination; *left-wing*, because we see the implementation of these ideals as crucial to combating subordination, exclusion, and deprivation, and giving ordinary people power over their own lives.

We know that many of you see a more secular and liberal constitutional republic as your final goal. We invite you to consider a society without a state as a more appropriate goal. After all, any state, by its nature as a coercive territorial monopoly, always acts, to greater or lesser extent, to impose its own vision by force on peaceful unconsenting people. Your recent and ongoing protests demonstrate the power and the beauty of human relationships that are voluntary rather than coercive, horizontal rather than hierarchical. Why not let those be a model for the society you seek?

Instead of police, have only security guards or neighborhood watch groups, responsible to their local communities.

Instead of statutory law, have only contracts and arbitration.

Instead of state monopolies to provide services, let many enterprises and voluntary associations of all kinds openly compete.

Instead of collecting taxes, let each person choose which services they want to pay for and whom to purchase those services from (or perhaps provide such services themselves, either individually or through local cooperatives).

We also know that some of you are anarchists already. But you who are anarchists tend to include not just the state, but private property and market competition, among the evils you combat. This is understandable, given the horrendous effects of policies that generally come wrapped in the free-market label. But we invite you to consider whether what are usually called free-market policies might not actually be violent interventions by the state on behalf of corporate interests terrified of the leveling effects of a genuinely freed market.

A world of only voluntary interaction without statist coercion is possible. The power of any state ultimately rests on the acquiescence of those it rules. Given the knowledge that a better world is possible, your creativity and courage can build it.

We look forward to an ongoing dialogue with you.

Thank you. Δ

The Center for a Stateless Society, a left-wing market anarchist media center, is an autonomous extension of the Molinari Institute. Kind of like Kuato in Total Recall.



U.S. Government vs. DEFCAD: You Can't Fix Stupid

Kevin A. Carson

[12 May 2013, C4SS]

There's nothing quite so funny as the sight of the authoritarian functionaries of a dying order trying to suppress a revolution they don't understand – and failing miserably.

The State Department's attempt to censor 3-D printable gun files from DEFCAD is the latest – and one of the most gut-bustingly hilarious – attempts by the Lords of Scarcity to wrap their minds around the revolution of Abundance that threatens their power. Less than a day after DEFCAD was forced to remove them, the files appeared on The Pirate Bay and Mega. The latter is especially funny; Kim Dotcom is probably laughing himself silly over it.

Anyone who's ever heard of the Streisand Effect could have told you this would happen. Attempting to suppress information on the Internet just draws more attention to the original information – which remains readily available – as well as embarrassing the would-be suppressor as the attempt at suppression becomes a story in its own right. I lost count of the number of people yesterday who said they'd never heard of Cody Wilson or 3-D printable guns until the story of the State Department's action came out, but intended to go to TPB and check it out. Thanks to the U.S. government's inadvertent promotional efforts, probably a hundred or a thousand times more people know where to get Cody Wilson's printable gun files than did before.

But the clowns who congratulated themselves a couple days ago over shutting down those printable gun files aren't exactly the sort of people you'd expect to have heard of the Streisand Effect – obviously. They're the straight men in this piece, just performing for our amusement. They're like the Society Matron who walks into the dining hall in a Three Stooges short and demands "What is the meaning of this?!!" To them the Internet is just a big Series of Tubes, and

all they have to do is shut off a valve somewhere to control the flow of information. Only the Internet doesn't work that way. In the memorable phrasing of John Gilmore, it treats censorship as damage and routes around it.

Remember Joe Biden's quip about "theft" of "intellectual property" being no different from a "smash-and-grab at Macy's"? The U.S. government's approach to DEFCAD illustrates the same fundamental misconception. It treats infinitely replicable digital information as if it were a finite, excludable good existing in one physical location, that one can exert physical control or possession over just like a shoe or a chair.

Their legal rationale – export control legislation – displays the same conceptual failure. They couldn't quite grasp that the "goods" that DEFCAD was "exporting" arrived in their destination ports around the world the second the files were uploaded to the website.

A digital file can be replicated infinitely at near-zero marginal cost; the same pattern of information can exist in an unlimited number of places simultaneously. A digital file can be replicated infinitely at near-zero marginal cost; the same pattern of information can exist in an unlimited number of places simultaneously.

See? I just did that with the copy-and-paste function of my browser. Try doing that with jewelry from Macy's. You can't "steal" a digital song or movie – the act of replication doesn't affect the copies already in others' possession, but only increases the number of copies in the world. That's why copying is not theft. Likewise, you can't deny the world access to information by removing the copy from one website.

Watching these people try to use scarcity-age conceptual tools to combat abundance is like watching Napoleon try to defeat Heinz Guderian or Erwin Rommel with hub-to-hub artillery and massed infantry in line-and-column formations. They lack the conceptual tools to understand, let alone fight, the new society they're attempting to prevent the birth of.

This is why the government's attempts to impose artificial scarcity fail every time, no matter how many times they change the name – ACTA, CISPA, etc. – and try again. You can't fix stupid.



So to you Lords of Scarcity – represented this time around by your flunkies in the U.S. Departments of State and “Defense,” I have a message: You have no authority that we are bound to respect. Δ

Kevin Carson is a senior fellow of the Center for a Stateless Society (c4ss.org) and holds the Center’s Karl Hess Chair in Social Theory. He is a mutualist and individualist anarchist whose written work includes Studies in Mutualist Political Economy, Organization Theory: A Libertarian Perspective, and The Homebrew Industrial Revolution: A Low-Overhead Manifesto, all of which are freely available online. Carson has also written for such print publications as The Freeman: Ideas on Liberty and a variety of internet-based journals and blogs, including Just Things, The Art of the Possible, the P2P Foundation, and his own Mutualist Blog.

Background Checks: Disarming the Marginalized and Oppressed

Nathan Goodman

According to some polls, upwards of 90% of Americans support universal background checks on gun purchases. Count me in the less than 10% of Americans who oppose comprehensive background checks for gun purchases. And if you care about equality or social justice, you should oppose them too.

Why? Well, for one thing, they would not have stopped everyone who committed a mass shooting. Some mass shooters have never been convicted of a serious crime or drug use, and others have no documented mental illness.

But beyond debates over their effectiveness, I think there’s a strong left wing argument against background checks. Let’s look through the groups that background checks would bar from legally purchasing guns.

“A person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year or any state offense classified by the state as a misdemeanor and is punishable by a term of imprisonment of more than two years.”

This includes a litany of totally non-violent offenders. Indeed, nonviolent offenders now make up the

majority of our prison population. It’s also in practice extremely racially biased, as people of color are disproportionately targeted by police and disproportionately sent to prison. Likewise, members of the LGBTQ community are frequently targeted for arrest, with transgender women regularly profiled as prostitutes and LGBTQ respondents reporting more frequent subjection to Stop & Frisk searches. As Dean Spade puts it, “The reality is that the system targets people of color, poor people, youth, immigrants, people with disabilities and queer and trans people and locks them up for just being.” Now, the liberals that claim to care about these groups want to expand background checks that restrict their ability to buy guns.

Here’s another category of people the federal government does not permit to purchase firearms:

“An unlawful user and/or an addict of any controlled substance; for example, a person convicted for the use or possession of a controlled substance within the past year; or a person with multiple arrests for the use or possession of a controlled substance within the past five years with the most recent arrest occurring within the past year; or a person found through a drug test to use a controlled substance unlawfully, provided the test was administered within the past year.”

This category is based on a totally non-violent offense. And in practice, like the previous requirement, it’s racist. The drug war is ripping apart black communities. Why would we want to expand background checks that increase its impact on those communities?

Another group that background checks would bar from purchasing guns includes any “person who, being an alien, is illegally or unlawfully in the United States.” I should not need to spell out how this is racist. We are talking about someone peacefully crossing an imaginary line in the sand in order to move to a better life. We are talking about a group that is statistically less likely to commit violent crimes, not more likely. Why is it acceptable to expand federal power in order to block them from purchasing firearms?

One of the most frequently cited reasons for supporting background checks is a desire to keep guns out of the hands of those deemed “mentally ill.” Background checks would be able to further this.

However, is it a desirable goal? People with psychiatric disabilities are a group that already sees their privacy rights and other civil liberties severely undermined. Furthermore, “The absolute risk of violence among the mentally ill as a group is very small... only a small proportion of the violence in our society can be attributed to persons who are mentally ill (Mulvey, 1994)” and “People with psychiatric disabilities are far more likely to be victims than perpetrators of violent crime (Appleby, et al., 2001). People with severe mental illnesses, schizophrenia, bipolar disorder or psychosis, are 2 ½ times more likely to be attacked, raped or mugged than the general population (Hiday, et al., 1999).”

The bottom line is that universal background checks would restrict the liberty of people who are already marginalized. I’m not okay with that, and the liberals who so passionately call for background checks shouldn’t be either. Δ

Nathan Goodman is a writer and activist living in Salt Lake City, Utah. He has been involved in LGBT, feminist, anti-war, and prisoner solidarity organizing. In addition to writing at the Center for a Stateless Society, he blogs at Dissenting Leftist.

Demagogy on Manchin-Toomey

Sheldon Richman

[18 April 2013, Free Association]

The Manchin-Toomey expansion of background checks to private gun sales was reasonable legislation, its advocates insist, because it would have forbidden the creation of a federal registry and exempted transfers of guns between family members and between friends.

Those features appear to be in the bill, but why should that matter? The champions of Manchin-Toomey would have us believe that once the bill passed, no more gun laws would ever be proposed again. That is, they’re either naïve or dishonest. I don’t think they’re naïve.

MSNBC host Joe Scarborough, a former member of the House and self-styled Second Amendment man who supported Manchin-Toomey, is an egregious example of this dishonesty. He spent weeks mocking opponents for not being mollified by the bill’s compromises. Can he be unfamiliar with the

legislative tactic of gradualism? Start a program small to minimize opposition, then expand it in later years when people have become inured.

It’s not as though this tactic has never been used. The income tax started small in 1913 and applied only to the richest Americans. Those who expressed concern that the tax would expand were ridiculed as paranoid. Sen. William Borah, an Idaho Progressive Republican said, “No sane man would take from industry its just reward or rob frugality of a fair and honest return.”

As I wrote in *Your Money or Your Life: Why We Must Abolish the Income Tax* (1999):

The 1913 income tax was put at 1 percent on net income after a personal exemption of \$3,000, some credits, and an additional \$1,000 exemption for married couples living together. There was also a graduated 2 percent to 7 percent surcharge on incomes from \$20,000 to \$500,000....

In 1913, the average personal income was \$621. Only 2 percent of the population was liable for the tax between 1913 and 1915.

In other words, the tax was introduced as a tax on the rich exclusively.

If the system were in place today, a single person making less than about \$45,000 (the bottom 75 percent of filers) would pay no tax. A couple earning less than \$60,000 would pay nothing. Incomes up to \$300,000 would be in the 1 percent bracket. Someone would have to make \$7.5 million before paying the top 7 percent rate. In 1994 dollars, the exemptions of 1913 would be worth \$44,776 for a single person and \$59,701 for married couples.

But it didn’t take long for the tax to become a tax on the masses. War, as usual, fueled the expansion. The anti-tax prophets were right.

The income tax is not the only example of gradualism. Social Security was also introduced as a modest program with a low tax. (The public was against it.¹) Now it and Medicare take about 15 percent of a worker’s income. For details see Charlotte Twight’s *Dependent on D.C.*

The upshot is that *you cannot judge a legislative bill in isolation*. The dynamics of politics must be taken into account, especially the politicians’ ability to (in

Twight's words) "manipulate political transaction costs." This refers to the many methods that government officials have to conceal what they're doing and to make it costly for people to resist if they find out.

How might this idea apply to Manchin-Toomey? This isn't rocket science. The bill may promise universal background checks (except for family members and friends), but it can't keep that promise.² Criminally minded people will always find ways to obtain guns outside the system. Theft and the black market will make that a certainty. Gun-running is as old as guns themselves, and nothing is more adaptive than the black market.

So what will happen after the next atrocity occurs with a firearm? The advocates of universal background checks will surely say, "We tried this modest approach, and it failed to keep guns out of the hands of bad people. We must do more."

"More" could well include national registration. It's a matter of logic. If I own a gun, how can the government assure that I haven't sold it without running a background check on the buyer? One way the government might find out is to establish a gun registry and periodically do spot checks to see if people still possess the guns that are registered to them. If people are serious about outlawing sales without backgrounds checks, wouldn't they be driven to such a proposal? As the ACLU has pointed out, the civil-liberties implications are ominous. Registration makes confiscation feasible.

This is not paranoia. It's a recognition of the dynamics of demagogic politics. If, as polls purport to show, 90 percent of people favor universal background checks and they prove futile in stopping gun atrocities, what will people favor next? Which way are they likely to go: toward full deregulation of gun ownership or toward more draconian measures?

I know where my money is. Δ

Sheldon Richman is vice president of the Future of Freedom Foundation and editor of its monthly, Future of Freedom. He is the author of Separating School and State, Your

Money or Your Life, and Tethered Citizens, and keeps the blog Free Association (sheldonrichman.com).

Notes:

- [1] http://www.fee.org/the_freeman/detail/the-shady-origins-of-social-security
 [2] <http://fff.org/explore-freedom/article/the-absurdity-of-universal-background-checks>

Living the Lockdown Life

Thomas L. Knapp

[16 April 2013]

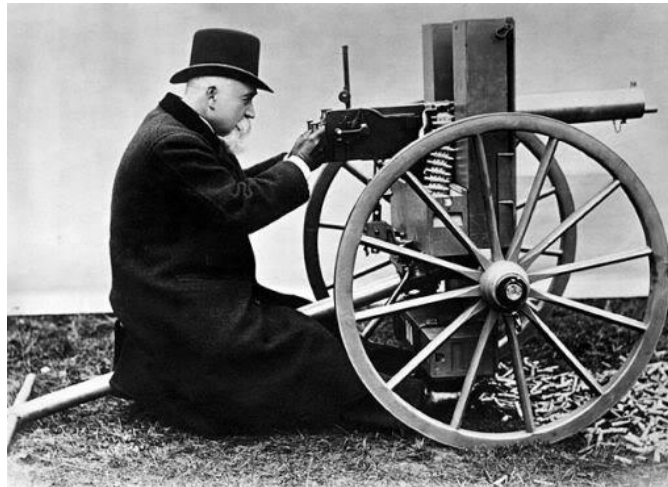
While watching coverage of the Boston Marathon bombing and its aftermath, I couldn't help but notice multiple uses and variations of the word "lockdown" (e.g. "Boston is locked down"). Nor could I help thinking that I've been hearing that word used more and more frequently over the last few years, and finding its connotations are troubling.

Internet etymological sources inform me that the word "lockdown" emerged in the 1940s to describe mechanical processes such as shutting down machines in an ultra-safe manner for maintenance (by the time I worked in factories, the term was "lockout"). Its most well-known usage, however, dates from the early 1970s.

Until the last decade or so it was nearly unique to "correctional institutions."

A prison lockdown occurs in the context of a riot or other exceptional disciplinary situation: All inmates are ordered to their cells (as opposed to the cafeteria, the exercise yard or, in prisons which operate slave labor schemes, their work stations). The facility is temporarily closed to visitors, deliveries, etc. — only "essential personnel" may enter, leave, or move within the grounds.

A useful term to describe a common, or at least standardized, process. But in the early 1990s, the term vaulted over the prison wall and into more general



usage. Google's Ngram service, which traces the frequency of words in books, graphs slow, steady increase in the term's appearance until 1990, followed by a "hockey stick": Between 1990 and 2008, use of the term "lockdown" in English-language books ballooned to ten times that 1990 baseline.¹

Suddenly lockdowns were no longer just a prison thing. They became a school thing, and then an area, neighborhood, city thing.

As of Tuesday morning, April 16, 2013, Google News reported more than 50,000 uses of the word "lockdown" in the news media *in the previous 30 days*.

"Salem [Massachusetts] schools hold lockdown drills."² "[Dallas, Texas] elementary to dismiss at normal time after lock down"³ (for nearly *five hours* because of a single shooting nearby, but not on campus). "Fallston [Maryland] High, Middle schools briefly placed on lockdown"⁴ (because a "suspicious person" was reported nearby). Lockdowns at hospitals.⁵ Lockdowns at military bases.⁶ Neighborhoods locked down for politicians' social calls⁷ and cities locked down for politicians' funerals.⁸

Ironic? Portentous? Certainly not mere coincidence. The term is becoming so common because it *works*. It's *descriptive*. Not just of the process, but of the societies in which the process is applied.

America in particular and western societies in general have, over the same decades producing that increased usage, degenerated into open air prisons. The inmates – us – although under nearly ubiquitous surveillance, are mostly left free to wander around (not all of them; last time I checked, one of every 32 Americans was "in the correctional system" – imprisoned or on parole, probation or house arrest), as long as we can produce paperwork on demand and "explain ourselves" to the guards if interrogated. And, of course, until the guards pick one of fifty bazillion reasons to "lock down" the block we happen to be on.

That's not freedom. It's highly conditional sufferance. And until we reject the lockdown life and abolish the states which impose it, things are going to get more and more conditional and less and less tolerable. Δ

Thomas L. Knapp is Senior News Analyst and Media Coordinator at the Center for a Stateless Society (c4ss.org). His own website is knappster.blogspot.com

Notes:

- [1] <http://tinyurl.com/ltt3nxx>
- [2] <http://www.salemnews.com/local/x210917995/Salem-schools-hold-lockdown-drills>
- [3] <http://www.nbcdfw.com/news/local/Hamilton-Park-Elementary-on-Lockdown-After-Nearby-Shooting-203043601.html>
- [4] <http://www.baltimoresun.com/news/maryland/harford/fallston-joppa/h-ag-fallston-lockdown-0417-20130412,0,5524028.story>
- [5] <http://baylorliariat.com/2013/04/10/all-clear-at-local-waco-hospital-after-lockdown>
- [6] <http://www.reuters.com/article/2013/04/03/us-usa-shooting-fortknox-idUSBRE93218V20130403>
- [7] <http://www.stuff.co.nz/travel/blogs/voyages-in-america/8512851/When-The-Man-comes-around>
- [8] <http://www.news.com.au/world-news/london-to-be-in-a-tight-security-lockdown-for-margaret-thatchers-funeral/story-fndir2ev-1226620249900>

One Reason Not to Build the Keystone XL Pipeline: Justice

Jason Lee Byas

[23 February 2013, C4SS]

The Keystone XL pipeline has inspired a lot of controversy. For defenders of freed markets, however, it shouldn't. Libertarians should emphatically and unequivocally oppose the pipeline.

Yet leading libertarian magazine *Reason* has put out a video¹ detailing "three reasons to build the pipeline." Editor Nick Gillespie explains, "1. The oil isn't going to stay buried ... 2. The pipeline isn't a disaster waiting to happen ... 3. It will help the economy."

Just for the sake of argument, let's concede all three of these points. Libertarians should still oppose the pipeline, because libertarians value property rights – and the pipeline as conceived is a giant monument to political government's disregard for the property rights of everyday people.²

Since beginning to plan Keystone XL, TransCanada Corporation has used eminent domain to steal more than a hundred tracts of land in Texas alone.³ If it gets the green light, the pipeline will run up through the plains like a burglar on a spree.

Of course, the company does initially offer those who have what they want a chance to make the

transaction voluntarily. When that doesn't work, though, unsuspecting landowners receive letters like the one Julia Trigg Crawford got,⁴ saying "If Keystone is unable to successfully negotiate the voluntary acquisition of the necessary easements, it will have to resort to the exercise of its statutory right of eminent domain."

As Lysander Spooner once remarked,⁵ at least a highwayman "does not pretend that he has any rightful claim" to your property.

If you're like the Crawfords, any deviation from that final offer and you'll hear nothing from TransCanada until your land's condemned. As word spreads, landowners feel threatened.⁶ They scramble to agree with whatever crumbs they're offered, before their land just gets taken instead.

Even when eminent domain isn't directly used, the transaction can hardly be called "voluntary." Such means become darker still when we consider that they're being used to override tribal sovereignty and build over Native American burial grounds, like those of the Sac and Fox Nation.⁷ Apparently not even death can save the Sac and Fox from colonists intent on destroying their homes.

Why does Gillespie ask us to accept this outright theft, intimidation, and domination of landowners by corporate elites and their state puppets? "It will help the economy."

In other words, literally the exact reasoning that let the city of New London steal Susette Kelo's home in 2005. Back then, Gillespie's co-editor, Matt Welch, rightly called⁸ the defense offered by the New York Times an "anti-populist, ends-justify-the-means approach on ... naked display."

Unless Gillespie and other pro-pipeline libertarians are willing to disagree with Welch and start defending the *Kelo* decision, they should rethink their position on Keystone. Surely the property rights of the Crawfords, the Sac and Fox Nation, and TransCanada's other victims, are just as sacrosanct as Kelo's.

A pro-pipeline libertarian might respond that they don't support the eminent domain, just the pipeline. But this is impossible. TransCanada's pipeline is inseparable from its criminal actions pursuant to building that pipeline.

Whatever justifications are offered for a hypothetical, peacefully acquired pipeline do not justify the real world pipeline. At least no more than justifications for a hypothetical parking lot would

justify one built by taking a wrecking ball to Nick Gillespie's home.

If the title "libertarian" is to mean anything, it must mean a defense of justice.⁹ It cannot, and must not, mean endorsing feudalism¹⁰ whenever "it's good for the economy." Δ

Jason Lee Byas is a philosophy senior at the University of Oklahoma, where he has written opinion columns for its independent student newspaper, The Oklahoma Daily, since Fall 2011. Follow him on Twitter: @jasonleebyas

Notes:

- [1] <http://www.youtube.com/watch?v=mflq8whDQDU>
- [2] <http://c4ss.org/content/13169>
- [3] <http://statesman.com/news/news/opinion/respect-landowners-keystone-fight/nSgsb>
- [4] <http://www.nytimes.com/2012/05/08/us/old-texas-tale-retold-farmer-vs-transcanada.html>
- [5] <http://praxeology.net/LS-NT-6.htm>
- [6] <http://www.yesmagazine.org/people-power/keystone-xl-texas-farmer-battles-transcanada>
- [7] http://act.credoaction.com/campaign/sovereignty_kxl
- [8] <http://reason.com/archives/2005/10/01/why-the-new-york-times-s-emine>
- [9] <http://c4ss.org/content/13837>
- [10] <http://mises.org/rothbard/ethics/eleven.asp>

Tar Sands Blockade: Radical Environmentalism Is Radical Libertarianism

Abby Martin

[3 November 2012, C4SS]

As Charles Johnson notes in "The Clean Water Act Vs. Clean Water,"¹¹ asking the government for help is generally counterproductive, especially when it comes to addressing ecological concerns. Unfortunately, Johnson is also right in saying that market anarchists don't talk about environmental concerns as much as they should. Many libertarians are right to see through the greenwashing propaganda used to support government legislation and corporate marketing, but end up also ignoring the real issues at hand. Free Market Environmentalism is certainly accurate in its analysis that protecting property rights

is a core issue, as the violation of property rights contributes to most environmental degradation around the world. My fear is that this analysis is, more often than not, only used as a way to promote free market claims instead of highlighting the major issue here: environmentalism and property rights go hand and hand. Therefore every libertarian who cares about property rights should also care about environmental destruction, our increasing dependency on oil/fossil fuels, etc.

Land theft² continues to be an issue, and environmentally careless corporations are seemingly above the law when it comes to property rights. The government is useless, completely catering to corporate interests – which is why libertarians should, once again, turn to radicalism as a means of getting things done. Addressing environmental concerns doesn't mean advocacy for governmental policy – it means advocacy for action! Civil disobedience, grass roots organizing, and nonviolent direct action.

That's exactly what's happening in response to the southern extension of the Keystone XL pipeline stretching from Oklahoma to the Texas gulf coast. People around the country are quitting their jobs and moving to east Texas, joining what many consider the most important environmental campaign happening right now. Tar Sands Blockade,³ “a coalition of Texas and Oklahoma landowners and organizers using nonviolent direct action to physically stop the Keystone XL tar sands pipeline,” has effectively delayed construction for over a month now, using a variety of tactics.

Stopping a multinational corporation from building a pipeline obviously isn't easy, but that's not to say the campaign isn't winnable. TransCanada has reacted to the blockade with a “whatever it takes” sentiment in continuing the construction, with typical carelessness towards personal safety and legality. This has included employing torture tactics⁴ on blockaders:

Two blockaders who locked themselves to construction equipment in East Texas – Shannon Bebe and Benjamin Franklin – were subjected⁵ to pepper spray, arm-twisting, chokeholds and

multiple uses of tasers to get them to unlock themselves.

The tree village where the main action is taking place currently is the equivalent of a police state; the tree sitters are subjected to 24 hour police surveillance by at least 5 to 7 officers at all times, with bright flood lights facing them. This has made direct support extremely difficult, and they've been denied food and water on several occasions. Oh, and if you were



wondering who's paying the cops to be around day and night, it isn't the local sheriff's department – it's TransCanada! The foreign company has actually hired off duty officers for \$30 an hour to police the tree village. Despite the emotional trauma the tree sitters endure, they remain confident. Two have stated they will stay blockading under these conditions “as long as it takes” and another jokingly, “until I die.”

TransCanada acquired the land through threat of eminent domain, bullying landowners into signing contractual agreements. They have also claimed “common carrier” status, an interesting legal loophole:⁶

Common carrier status is granted by the Texas Railroad Commission, and allows corporations the power to seize private property by eminent domain. But in Texas, all TransCanada had to do to apply as a common carrier was simply fill out a government form for a permit, known as the T-4 form, and check a box labeled “common carrier.”

This claim was disputed in court, which actually ruled against TransCanada, concluding that the permit was not sufficient grounds for eminent domain. They haven't had to deal with this yet, however, since most of the residents signed contracts. Now blockaders are trespassing on “TransCanada's property”, which they have used as grounds to file several lawsuits. A recent legal suit⁷ used the term “eco-terrorists” to describe the blockaders:

Under the auspices of nonviolent direct action, the Defendants, all of whom are members of,

affiliated with, or acting under the banner of the Tar Sands Blockade group, have engaged in acts of eco-terrorism through their coordinated, orchestrated and ongoing unlawful conduct and have trespassed on Keystone's property, have interfered with construction of Keystone's pipeline and/or threatened additional interference with construction of Keystone's pipeline in an attempt to deny Keystone use of Keystone's valid right of way.

Just to be clear, there is nothing good about this pipeline. This is a foreign company building a for-profit export pipeline, exposing the environment to the risk of water contamination, likely to destroy more jobs than it creates, and is openly violating the rights of indigenous peoples and American land owners. Not to mention the likelihood of a spill is seemingly inevitable, "According to TransCanada the Keystone 1 pipeline was predicted to spill once every seven years. It spilled 12 times in its first year and it has spilled more than 30 times over its lifetime." Tar Sands has also been doing most of their own media coverage because of the police state⁸ that surrounds the blockade, most journalists are denied entry or arrested:

Allow us to paint the full picture of what's happening here: we've got a multi-national corporation that has come into Texas, expropriated private land by eminent domain, and hired local law enforcement as a private security force to set up an occupied police state at the tree blockade. They've been employing torture tactics, charging peaceful protestors with trumped up felonies, and have orders to handcuff anyone, including *New York Times* journalists,⁹ who attempt to get close enough to even cover the story.

The interesting thing about Tar Sands is its diverse group of activists – from tea party conservatives defending property rights, to ex-Obama supporters betrayed by the approval of the pipeline, and radical environmentalists who more or less do these sorts of actions for a living. As they approach nearly 40 days of resistance, the campaign continues to grow in awareness and membership. In writing this article I hope to at least make one thing clear to libertarians: we can and should engage ourselves in the environmental movement. Environmentalism is

radicalizing in a libertarian way – more mainstream activists are realizing the ineffectiveness of government and turning to direct action. Both libertarians and environmentalists can agree on the alternative solutions, like Johnson suggests, "stop caring so much about what's legal and what's illegal, consider some countereconomic, direct action alternatives to governmental politics,¹⁰ and perform some Guerrilla Public Service."¹¹

My support for this campaign brings to mind an inspiring Camus quote: "If we are to fail, it is better, in any case, to have stood on the side of those who choose life than on the side of those who are destroying." Win or lose, the Tar Sands campaign is part of something bigger. A tree sitter's report from day 37¹² captures this sentiment perfectly:

While I am confident that our new friends in the trees are well aware of the situation they have put themselves into, I can't in good conscious let their sacrifice be taken for granted by those who haven't experienced state repression firsthand. In the coming weeks as we see our friends in the trees facing extreme thirst, starvation, isolation, and lawsuits at the hands of these police, it is my hope that we can indeed unmask the state's monopoly on violence against us and begin to finally understand the scope of the power structures we are resisting so that we may move forward towards a livable world. And perhaps then may we learn what it means to fight *for our lives*.

Environmental action has never seemed as urgent or important to me until the Tar Sands campaign, happening roughly two hours east of the DFW metroplex where I live. Visiting once on a weekend between school and helping with the blockade has been a truly humbling experience that I wish everyone could be a part of. There are many ways to participate in the blockade.¹³ Blockaders need the love and support of anarchists and libertarians alike; they face horrible amounts of injustice at the hands of the state for simply doing what's right. Δ

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- [1] <http://radgeek.com/gt/2010/05/17/the-clean-water-act-vs-clean-water>
 [2] <http://c4ss.org/content/13169>
 [3] <http://tarsandsblockade.org/about-2/the-action>
 [4] <http://tarsandsblockade.org/truthout>
 [5] <http://truth-out.org/opinion/item/11797-texas-tar-sands-tree-sit-launches-to-halt-keystone-xl-indefinitely>
 [6] <http://www.tarsandsblockade.org/truthout>
 [7] See n. 4.
 [8] See n. 4.
 [9] <http://tarsandsblockade.org/day21/#more-2317>
 [10] <http://tarsandsblockade.org/freepress>
 [11] http://radgeek.com/gt/2008/01/26/in_which
 [12] <http://reason.com/archives/2010/04/30/guerrilla-public-service>
 [13] <http://tarsandsblockade.org/from-the-trees-their-police-day-37>
 [14] <http://tarsandsblockade.org/about-2/who-we-are>

Primitive Accumulation in the News

Kevin A. Carson

[2 October 2012, C4SS]

Adam Smith and other classical political economists used the term “primitive accumulation” to refer to the process by which capital was concentrated in the hands of some people, who became the employers of other people with only their labor to sell. As depicted by Smith *et. al.*, this was a peaceful process in which the industrious worked and saved, gradually accumulating capital with which to expand their enterprises. Others, less provident and industrious, could subsist only by hiring themselves out as laborers to the industrious capitalists.

Radical critics later pointed out the ahistoricity – as ahistorical as the Social Contract – of the myth of primitive accumulation. Karl Marx referred to it as the “nursery tale of primitive accumulation.” In fact, as Marx pointed out, the actual process of original accumulation, by which property was concentrated in a few hands, was carried out through massive robbery – a history, as he put it, “written in letters of blood and fire.”

In Britain, the original home of the Industrial Revolution, it involved the expropriation of peasant land from late medieval times on through the enclosure of the Open Fields for sheep pasturage and later Parliamentary Enclosure of pasture, waste and marshland to which the peasantry had had rights. It involved social controls like the Combination Laws (which prohibited free association) and the Laws of Settlement (which functioned as an internal passport system much like those of the USSR and the South African Apartheid state). It involved mercantilist wars and colonialism, by which the European powers forcibly concentrated control of world trade in their fleets, conquered most of the Third World, stamped out competing native industry, enslaved millions, evicted natives from their land on the same pattern as the Enclosures, and looted entire continents of mineral wealth.

But the words “primitive” and “original” don’t mean this was a once-upon-a-time process of the distant past, after which “free market capitalism” began its normal functioning. In fact it continues to the present. All forms of economic exploitation, all forms of rent extracted through state-enforced monopolies, artificial scarcities and artificial scarcity rights, serve to accumulate more capital in the hands of them what already gots.

We need only read the news to be reminded, on a weekly basis, that primitive accumulation is still happening. A good example is the TransCanada corporation, which is seizing the lands of sovereign

Indian peoples to construct the southern stretch of the Keystone XL Pipeline. TransCanada’s claim that “there is no legal obligation to work with the tribes” directly contradicts a large body of treaty law. Almost 200 years after the Trail of Tears resettled the surviving minorities of Indian tribes in Oklahoma, Keystone is condemning land inhabited by the Sac and Fox Nations. As Sandra Massey, aide to the Chairman of the Sac and Fox Nation, asked: “How many times do we have to move?

Our dead are never at rest.”

Bear in mind that this isn’t TransCanada’s first abuse of eminent domain; the entire history of the pipeline’s construction is a sorry record of one theft after another. This is just one of the rare occasions



when there's some legal ground for fighting back. TransCanada was also embroiled, back in February, in legal conflict with the Black Hills Sioux Nation Treaty Council.

Meanwhile, in Namibia, communal village lands – like the common woodland, marsh and waste of England 300 years ago – are being illegally fenced off and “privatized,” with the connivance of the state. The same has been done in recent years with communal lands in Russia and China, with village authorities colluding with transnational corporations to rob the peasants of their land.

In 1649, in England, a band of landless peasants – “the Diggers” – tore down an enclosure at St. George's Hill in Surrey and began cultivating the land in common. Although their cottages and crops were eventually burned by soldiers in service to the local landlords, their heroic stand survives as an example for people in similar circumstances today. From the landless peasant movement in Brazil, to villagers at Wukan in China's Guangdong province who blockaded their village in protest against the selling of common lands to a factory hog-farming operation, spiritual descendants of Winstanley and the Diggers take their stand again, again, and again.

And unlike the repression at St. George's Hill, every such stand is recorded on video to inspire other heroes around the world. For the first time in recorded history, the rentiers and owners of the entire planet live in fear that their days are numbered. In Oakland, Spain and Greece, we see scene after scene of cops in black uniforms and riot gear abandoning the pretense of legality and assaulting peaceful protestors with rubber bullets, clubs and teargas. Why are they doing it? Because they're afraid of us. Δ

It's Not About Privacy

Jeremy Weiland

[13 June 2013, Social Memory Complex]

The collective responses to the dramatic revelations of NSA mass surveillance feel like the well-worn plot of a classic movie. The story reminds me of the government's admission a few years back that Iraq did not, after all, have weapons of mass destruction. By the time it was admitted, everybody had already figured out the emperor was naked. But

there was something about the formal acknowledgement that gave us permission to finally wrestle with the reality we had already suspected overwhelmingly.

Those of us who make a habit of dissent have gotten used to this frustrating complacency. It demonstrates that we as a social body don't trust ourselves, that the complex of media, government, academia, and business – otherwise known as the state – that purports to lead us can be better described as creating and curating our reality. This insight renders many radicals outright misanthropic, but I tend to approach our apathy sympathetically, regarding our behavior as a kind of learned helplessness inculcated by decades of spiritually arresting mediation. When political expediency necessitates disclosure, we don't know what to do with it, much like paroled prisoners who don't know how to live on the outside.

So when the school assembly is over and the principal has made her announcements, thank God the pundits are there to round us up and lead us back to our homerooms, single file. Our passive consumption of pundits' reactions give us a false sense of agency, as if somehow the variety of spins from which to choose is itself empowering. After all, we don't have time in our busy lives to mentally deal with this, let alone exercise our inherent duty to apprehend it. Better to signal our relevancy by choosing our coping mechanism from a buffet of cynicism, jingoist indignation, reformist compromise, or handwringing resignation.

And so it is with the NSA story. As far as I can tell, we're being provided a number of templates that can help us integrate this newly certified reality into our individual matrices, including:

1. Mass surveillance is an acceptable encroachment on our privacy.
2. Mass surveillance requires appropriate oversight or a national conversation to protect our privacy.
3. Mass surveillance is an unacceptable encroachment on our privacy.

You didn't see it, but you just got jammed. The way we're encouraged to cope with this is to make it about privacy: to turn inwards, take stock of our personal inner domain, and decide just how much of our lives can be offered up to the state. Large scale, bureaucratic intrusion into our personal lives is a

given, but we can fill out a customer response card if we have any comments about the degree of the intrusion. If this is about privacy, the onus is on us to define its limits, to guide our servant institutions to the right policies that will protect our newly cordoned-off personal space.

It's in this way that pundits can claim that our ubiquitous sharing on social media validates such large scale, coordinated exploitation. Just like the rape victim was "asking for it" because of what she wore at the time of her attack, we're "asking for it" because our online sharing habits have been deemed injudicious. They switch from condemning the aggressor to blaming the victim, and they do it because facing up to the cultural inertia behind the aggression risks exposing the perniciousness of the status quo. And so they invent a clever distraction about what the limits of *privacy* should be – as if that were the only limits with which we should be concerned. It's like fighting rape by starting a conversation about the definition of tasteful attire.

Well, let me provide a counterspin that I hope is destabilizing: when it comes to this matter, *I don't give a goddamn about privacy*. It's no more relevant to this story than the big paychecks NSA contractors haul in. Privacy, like fatcat military industrial intelligence complex profiteering, is an important issue without a doubt, but it's not at the center of *this* matter. The scandal is not about privacy, or whistleblowing, or whether Edward Snowden was a bad neighbor, or whether he had enough education to work within the NSA, or whether the media should have published the story, or the decline of community, or any of that. Anybody who makes the conversation about those issues are welcome to; they should find another room to talk in, though, lest they hijack the real conversation.

This is about state-sponsored *spying*, not personal privacy. The U.S. government has decided the best, most defensible way to fight whatever it deems threatening (now or in the future) is not to create a dossier on every human being on the planet – that would be totalitarian! Instead they're merely building the infrastructure that enables them to do so both at will and retroactively. All they're doing is merely



collecting anonymous "metadata". That's true insofar as it goes (though as a programmer I must protest the abuse of the term "metadata", which typically refers to "data about data", whereas phone numbers, emails, Facebook likes and the like are "data about us") but, like most spin, the argument routes around the point with expert precision.

The danger is not so much that government officials are currently investigating you (not that they aren't). It's that if they ever decide they'd like to, they already have your entire history of communication. Normally, an investigation would *begin* with the gathering of evidence. The cost and effort of beginning to collect evidence is a small and insufficient but important bureaucratic deterrent against starting arbitrary persecutions. However, now an investigation begins with merely bothering to look at the evidence already gathered. Essentially, they started the investigation into you years ago, but it's proceeding on autopilot, waiting for a government spy caring to look.

Imagine, if you will, the NSA claiming the authority to search and catalog the contents of every home on the planet preemptively, but promising never to look at it unless absolutely necessary. The justification is that, in case you're ever accused of a crime in the future, they don't need to assume the burden of getting a warrant or actually searching for what they want to find. They already started it ahead of time, they already have the evidence, and they can just go back and mine that evidence for a crime. Maybe the crime validates the accusation. Maybe along the way they find a totally separate crime. The point is that the investigation is preassembled, a keyword search away from being an actual indictment. If they can create a dossier anytime they want with minimal effort, that's functionally the same as keeping one on you *right now*.

There's a reason NSA is not in law enforcement: there's nothing limited or legal about the above. It has absolutely, positively zero to do with rights or the law as we understand them. They do what the CIA does to its targets: extralegal gathering of evidence for exploitation at a time of the government's choosing. That is espionage, and there's a reason we abhor it

being done to people who are not part of the spy game, let alone people who are supposed to watch over the very government running the spy game.

Yet the most pundits can offer is a shallow, parochial debate about some bourgeois, neutered conception of privacy. For them, this is only about the exact nature of our freedom to share with sufficient insularity pictures of cats, what we had for lunch, and silly memes. Now we need to all sit around indian style and figure out the kind of Stasi with which we'd be most comfortable, what kinds of checks and balances, safeguards and oversight would allow us a good night's monitored sleep.

Don't be fooled. The onus is not on us to properly circumscribe the boundaries of our private lives. The onus is on them to explain the way their leviathan, totalitarian institutions spill out of the confines they agreed to obey, those charters that give them their existence in the first place, the enumerated powers they claim separate them from totalitarian regimes or organized crime syndicates. The lesson here that no pundit will mention is that the state is inherently a scam. This domestic spying on us is but one facet of the overall institutional hegemony that dominates us and teaches us helplessness.

It's understandable to feel powerless when massive bureaucracies continually body check your sense of self. If you'd rather ignore the reality of what our world is becoming, fine. But you don't have to accept the turnkey distractions of the punditry. Who knows, one day you may decide that *this* time they went too far, and if that happens, you'll need a sense of judgment and agency that hasn't completely atrophied. Δ

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The Banality of Condemnation

Trevor Hultner

[12 June 2013, C4SS]

It seems that the standard media response when whistleblowers come out these days is to twist their images in such a way that no one could ever find them sympathetic figures. It happened to Daniel

Ellsberg. It happened to Pfc. B. Manning. And now, it's former Booz Allen Hamilton system administrator Edward Snowden's turn on the character assassination stage.

Snowden came out on Sunday¹ as the person who leaked information about multiple NSA programs to the press. Since then, many commentators have taken it upon themselves to not only question Snowden's allegiance, but wonder aloud: "Who paid him off?" This task has been taken on most completely by two of journalism's greatest hacks: *New York Times* columnist David Brooks and *New Yorker* writer Jeffrey Toobin.

Toobin, in his "Daily Comment" piece "Edward Snowden Is No Hero,"² infers from the interviews Snowden has granted that he is a "a grandiose narcissist who deserves to be in prison." Why?

"Any marginally attentive citizen, much less N.S.A. employee or contractor, knows that the entire mission of the agency is to intercept electronic communications. Perhaps he thought that the N.S.A. operated only outside the United States; in that case, he hadn't been paying very close attention. [...] Any government employee or contractor is warned repeatedly that the unauthorized disclosure of classified information is a crime. But Snowden, apparently, was answering to a higher calling."

Toobin argues from the mindset that government legality automatically translates into universal morality. Because Snowden knew that leaking his knowledge of what the NSA was up to was illegal and did it anyway, he should be imprisoned for it. This is itself an abhorrent premise to adopt. But Toobin doubles down:

"The American government, and its democracy, are flawed institutions. But our system offers legal options to disgruntled government employees and contractors. They can take advantage of federal whistle-blower laws; they can bring their complaints to Congress; they can try to protest within the institutions where they work. But Snowden did none of this. Instead, in an act that speaks more to his ego than his conscience, he threw the secrets he knew up in the air – and trusted, somehow, that good would come of it. We all now have to hope that he's right."

These are, almost word-for-word, the same blind appeals to authority that corporations like Walmart use to quell any thoughts in workers' minds of doing something as outrageous as going on strike or unionizing. One has to wonder, if Toobin's career had gone differently and he had ended up as a manager at a Walmart at the center of – for example – the largest class-action sexual discrimination lawsuit in history, whether he would use the same arguments against the women bringing attention to the problem.

But Toobin's bloviations pale in comparison to the monolith of statism that is David Brooks's latest column.³

Brooks's legendary ability to deify, rather than defy, authority bears only a slight mention.⁴ Last year, he wrote a column⁵ calling (no, this is not a joke) for statues of the elite to be erected in town squares nationwide. This time, Brooks takes his art to a new height (or nadir, depending on perspective).

Brooks starts his magnum opus by insulting Snowden's intelligence; a bad move, considering the position he was in (not to mention the experience he had obtained) when he left Booz Allen Hamilton. Brooks quips, "[He] could not successfully work his way through the institution of high school. Then he failed to navigate his way through community college."

This is only the beginning of Brooks' attempts to paint Snowden as immoral because of his supposed lack of family values. He continues:

"According to *The Washington Post*, he has not been a regular presence around his mother's house for years. When a neighbor in Hawaii tried to introduce himself, Snowden cut him off and made it clear he wanted no neighborly relationships. He went to work for Booz Allen Hamilton and the C.I.A., but he has separated himself from them, too."

Snowden also had a girlfriend. But besides that, this doesn't seem like deviant behavior from someone in the intelligence community. Spying is a standoffish profession.

Finally, Brooks brings out the smoking gun: Snowden donated \$500 to Republican US Representative Ron Paul's 2012 presidential campaign. According to our favorite gumshoe columnist, that outward manifestation of dangerous libertarian ideals is what really makes Snowden a threat.

And, in a way, he's right – if not for Snowden's libertarian tendencies, the state's sweeping eavesdropping and data collecting programs wouldn't have been revealed to the public. We'd still be in the dark.

But that isn't "dangerous."

At least, not in the same ways that David Brooks' servility is dangerous. Δ

Trevor Hultner is an independent journalist and Internet content creator. He is the host and producer of Smash Walls Radio, a weekly news and politics podcast, as well as the host of a YouTube series aimed at spreading Absurdist philosophy. Follow him on Twitter: @SmashWalls. Or visit his website: <http://thultner10.tumblr.com>

Notes:

- [1] *The Guardian's* Glenn Greenwald: <http://www.guardian.co.uk/world/2013/jun/09/edward-snowden-nsa-whistleblower-surveillance>
- [2] <http://www.newyorker.com/online/blogs/comment/2013/06/edward-snowden-nsa-leaker-is-no-hero.html>
- [3] <http://www.nytimes.com/2013/06/11/opinion/brooks-the-solitary-leaker.html>
- [4] <http://c4ss.org/content/10721>
- [5] <http://www.nytimes.com/2012/06/12/opinion/brooks-the-follower-problem.html>

Progressive Politics: Send In All Your Private Phone Records To Me, Al Franken, Washington, DC

Charles Johnson

[11 June 2013, Rad Geek People's Daily]

Via Sheldon Richman on Facebook¹ comes this story about political Progressivism:

Sen. Al Franken (D-MN) emerged as one of the most notable progressive defenders of the National Security Agency's sweeping surveillance programs on Monday when he expressed a "high level of confidence" that the federal government's collection of phone and Internet data has been effective in thwarting terrorism.

I can assure you, this is not about spying on the American people, Franken told Minneapolis-based CBS affiliate WCCO.² The junior

Minnesota senator, who's only been in the Senate since 2009, said he was very well aware of the surveillance programs and was not surprised by a recent slate of bombshell reports by both *The Guardian* and *The Washington Post*.

I have a high level of confidence that this is used to protect us and I know that it has been successful in preventing terrorism, Franken said.³

Of course he has. Because he is privileged to be part of the us that is being protected, not the us that is being spied on. The reactions of many political Progressives to this scandal – including many political Progressives who had presented themselves for years as civil libertarians – are outrageous; but they should not be even a little bit surprising. They are yet another illustration of why serious social change can never come about through electoral politics; because the only mechanism that electoral politics has for change is to make a different party into the governing party. But when a party becomes the governing party, the *party* that they belong to has always proved to be of far less practical significance than the fact that they are, or see themselves as, *governing*. Their first and last loyalty will never be to a professed set of principles or a party platform, but rather to the uninterrupted continuity of government, and the successful management of the core structures of state power. The first and last loyalty of the party in power in America will always be to *power*, both for their party and for the American government – not to the causes or the principles or the people that they claim to speak for. Δ

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Notes:

[1] <http://www.facebook.com/SheldonRichman/posts/10151671885597184>

[2] <http://minnesota.cbslocal.com/2013/06/10/franken-very-well-aware-of-nsa-tracking-phone-records>

[3] Tom Kludt, "Al Franken Defends NSA Surveillance: It's Not Spying, They're Protecting Us," in *TPMLiveWire* (Tuesday, June 11, 2013); <http://livewire.talkingpointsmemo.com/entry/al-franken-defends-nsa-surveillance-this-is-not>

Public Enemy Number One: The Public

Kevin A. Carson

[15 June 2013, C4SS]

It's important, when listening to the official shapers of opinion in the media, to ask ourselves what they really mean by the words they use. As Orwell pointed out in "Politics and the English Language," those in power use language to obscure meaning more often than to convey it.

A good example is the recurrence of phrases like "endangered our national security" and "aided the enemy," from people like Eric Holder, Peter King and Lindsey Graham, in reference to leaks by people like Bradley Manning and Edward Snowden. Now, they certainly intend to evoke certain associations in the minds of listeners with their word choices. If you're not careful, you may find yourself responding in just the way the users intend – allowing their words to conjure up in your mind homes, families, neighbors, churches, a whole way of life, threatened with invasion and destruction by a nameless, faceless enemy – in the words of Orwell's *Two-Minute Hate*, "the dark armies ... barbarians whose only honour is atrocity."

But if you look behind the words, their actual meaning is something entirely different. To the kinds of people who throw around such words, "national security" is a corporate-state world order enforced by the United States, run by people like themselves, which enabling global corporations to extract resources and labor from the people of the world and live off unearned rents. "The enemy" is you. And the danger is that you might figure out what's going on and disturb their cozy little setup.

Alex Carey, historian of propaganda, argues that the central pillar of elite rule in mass democracies is the engineering of consent. In the late 19th century two phenomena emerged simultaneously: First, the giant corporation and the power nexus between corporation and state; and second, the threat to that power nexus from universal literacy and universal suffrage. Hence the importance of propaganda, of managing public opinion, in formally representative political systems.

Samuel Huntington wrote in *The Crisis of Democracy*, in 1974, that the United States in the two

decades after WWII had been the “hegemonic power in a system of world order” – a state of affairs possible only because of a domestic power structure in which the country “was governed by the president acting with the support and cooperation of key individuals and groups in the Executive office, the federal bureaucracy, Congress, and the more important businesses, banks, law firms, foundations, and media, which constitute the private establishment.” And this, in turn, was possible only because of the acquiescence, the passivity, of the American people, and their acceptance of it as a natural, inevitable, and perfectly legitimate state of affairs.

The Sixties, as you might expect, scared the crap out of these people. Until then the “New Deal social contract” had worked fairly well (at least for middle class whites): We’ll give you a suburban home, a TV, a new car every five years, and a secure union job with benefits and periodic pay raises. In return, you’ll show up for work in between contract renewal times and let us manage the factories as we see fit without bothering your pretty little heads about it. And you’ll let us manage the world in the interests of GE, GM and United Fruit Company, and look the other way when we install genocidal fascist regimes or fund death squads in Indonesia, Nigeria and Latin America.

The 1960s was the first time since WWII when it seemed to dawn on a significant portion of the public that “another world is possible.”

Since then, management of public opinion to engineer consent has been doubly important to them. That’s why the “national security” community engages in psychological operations to manage public perceptions, the same way they’d manage the perceptions of a wartime enemy – in both cases, the goal being to manipulate the desired reaction out of us.

See, we really are the enemy. Every once in a while one of them slips up and reveals that all that stuff about government representing the sovereign will of the people is so much buncombe. For example, former Clinton “National Security” Adviser Sandy Berger’s statement in 2004: “We have too much at stake in Iraq to lose the American people.”

That’s why they get so bent out of shape when people like Manning and Snowden tell the enemy – people like you and me – the ugly truth about how their sausage is made. Their power depends on keeping us – the enemy – in the dark. Δ

That Which Is Unacceptable to Us, Let Us Not Do to Children

Joshua Katz

[13 June 2013, LewRockwell.com]

The big news lately is Edward Snowden’s heroic whistle-blowing. Perhaps it has more to do with my interests than with any reality, but when I confront any story of this sort, my thoughts always turn to the question – how does this relate to the education system?

I do not think this is solely an attempt to change the subject, though. The schools are related, in important ways, to everything that goes on in society. The schools are microcosms of society; more importantly, since they are designed, in large part, by politicians and intellectuals, they tell us what these groups wish for society to look like. They show us how these two groups would shape our society if freed from any difficulties in doing so – since children are the most powerless group in society, their lives can be arranged and micromanaged in ways that would prove difficult on a larger scale. On the other hand, schools also impact the society at large in powerful ways. Many thought patterns become fixed in youth and during the teenage years – this allows schools to impact powerfully the way the society will think in one generation. The impact of schools, though, can actually be felt much sooner than this would suggest. We tend to underestimate children, but children are intellectual forces to be reckoned with – the process of growing up is, for many, a shrinking of the imagination, a loss of divergent thinking, and the sacrifice of ideals to reality. As a result, children are more idealistic, and also better at logical argumentation, than most adults. Their arguments impact those around them, exercising decisive force on, for example, parents’ voting habits. This impact is often seriously underestimated. It’s also, in many ways, a good thing – the society is better off if more imaginative ideas are expressed and taken seriously, and if more people hold passionately to their expressed ideals.

The Snowden case touches on two important ideas – privacy and the treatment of whistle blowers. Let us look, then, at how these issues are handled in schools.

Privacy

Interestingly, while there is a lot of discussion about whether or not Edward Snowden was right, one hears very little discussion about the underlying fact that he revealed that we are a secret surveillance society. This is similar to the Bradley Manning case – eerily absent from public discussions of that case is the gutless, sociopathic soldiers who shot civilians and journalists from helicopters. In general, we can derive people's opinions on the underlying question from the positions they express – those praising Snowden would tend to favor privacy, and those calling for him to be jailed or killed – among them Donald Trump and Peter King – would be expected to be against privacy, and likely all civil liberties. Yet, the point is, this is not a part of the public discourse. So thoroughly has the basic idea that government can be criminal, and that violations of privacy are wrong, been destroyed, that the closest thing we have to voicing them is defending a whistle blower.

This is not the only way that the public discourse is mistaken, of course. That there is even a debate about whether or not it is correct to reveal massive wrongdoing is a sign of just how broken our civilization is. Anyone who trumps out the right of government to privacy – a non-existent right, but parallel in form to the real one being defended here – can no longer claim for themselves or their country the banner of democracy. Democracy, if it has any value at all, is valuable insofar as it allows voters to hold leaders accountable for wrongdoings on their watch. If wrongdoing cannot be revealed, on what basis will voters make decisions?

If the very notion of privacy as a legitimate right has disappeared from our society, it is reasonable to look to the place where many of us learn our values to see how this happened. Not only do typical students enjoy no right to privacy – the very idea that privacy is possible in school is outrageous.

Schools show no respect for the highest, most important form of privacy – the private thoughts within the mind of the individual. Under the prevalent philosophies of schooling, the interior of your head is public domain. Students have no say as to what they will learn, or whether they will learn at all. Why is

this? If a reason is even given, we will be told it is so that students can be properly valuable to society – you cannot control your own mind, we will make use of your mind as it suits the hive.

Nor does the invasion of the mind end with telling students what they will learn. Frequently, students' emotional state is a matter for discussion and regulation. While students are, as noted above, allowed little or no input into the matter of whether, or what, they will learn, academic failure is frequently attributed to a failure of the student to show adequate motivation or interest. Thus, students are not only commanded to involve their minds with unchosen topics, but they are further given the impossible command to be interested in these topics – even if they aren't! Students are further instructed to participate eagerly and with a positive attitude. Students are expected to like their teachers, and can be punished via grades for obvious dislike – while their teachers carry out the mandatory schooling and frequently assign disproportionate penalties for small infractions.

Moving forward, students receive little ability to be discrete about things most of us consider extremely private. For example, almost none of us would excuse ourselves from a room by extrapolating on the excretory function we plan to do upon exiting, but such explanation is considered obligatory for students. Not only that, they are expected to request permission to perform this most basic physical need! Teachers consider student sexual relations to be fair game for discussion. Perhaps most importantly, privacy is based on the idea of bodily integrity – that we may decide what to do, at a given moment, with our bodies. If such an idea does not exist, then privacy cannot exist – which is why privacy cannot exist inside a school. Students have no base assumption of bodily integrity. Alone among non-criminals and non-military folks, they can be punished and even jailed for not being at a specific place at a certain time. No one else can suffer criminal consequences for leaving a place they do not wish to be in.

Many times, this is compounded by telling students that learning is their job. We are all familiar



with jobs: jobs are freely chosen places of employment, and pay wages. School fits neither of these descriptions. Furthermore, jobs are done because they benefit others – those who pay us, directly or indirectly, to perform our jobs. But learning is not paid for by anyone, except under the coercion of taxation. Which leads us to another reason schools cannot allow privacy – they are the property of everyone in society except those who must attend. Every taxpayer can claim ownership of the schools – by extension, so can every interest group – but students do not pay taxes. When entering private property, we lose some of our privacy rights – the owner may demand no smoking, for instance, or the wearing of a specific uniform. This loss of privacy is generally limited by the fact that we usually only go places where the owner wants us – a visit to a friend’s home, a store, a place of employment, and so on – and so owners will not place such odious restrictions that we refuse to go. Schools have no such concerns – students attend under duress, not by choice. Also, owners of property tend to only be concerned about a few things – most people just don’t have a ton of obsessions. However, when a place is owned by all of society, each person’s craziness must be taken into account – producing any number of privacy-destroying rules.



Whistle Blowers

Much of the discussion has centered on how Edward Snowden should be treated – that is, on the treatment of whistle blowers. It would seem that our society is hopelessly confused on this topic – most will affirm that whistle blowers must be protected – but too many of those same people will then offer various exceptions. Most commonly, it is denied that Snowden (and Manning) are whistle blowers since they went public rather than reporting the problem within their hierarchy – but in both cases, the problem was with their superiors! In any case, this argument is absurd in many ways. Why should whistle blowers be subject to this requirement, when it often puts them in increased danger and thus decreases the likelihood that the situation will be corrected? In this

particular case, it seems reasonable, anyway, to say that the general public is the end of the chain, and that these individuals had every right to go to their highest superior. Consider also that we do not place this rather silly requirement on those reporting a crime – no one goes to the police to make a complaint, only to be told that their landlord is a more appropriate authority to turn to. Even if the policies these men wanted to inform the public of were limited to a certain level of the organization, nothing we know about those organizations suggests that they could be resolved from within. Finally, how are we to hold people accountable for wrongdoing if situations are to be dealt with internally?

In any event, though, the point stands that we recognize that whistle blowers need to be protected, even if we are inconsistent about it. So, what is the treatment of whistle blowers within schools? To ask the question is to answer it. Students reporting teacher misdeeds will most likely be ignored or disciplined. Unlike Snowden, though, even taking the issue outside of school is unlikely to produce a public reaction.

Most of the society considers children to be inherently not worth listening to.

We should also consider how few avenues students have to speak out. The media within schools is entirely controlled by the school administration, which must approve every article and issue before publication. Outside media looks to the school administration for quotes and cues. There is a distinct lack of checks and balances within the school – even when an administrator knows that a teacher is wrong, the cult of ‘stand behind the teacher’ often prevails. If this same description were given of a country, no one would fail to identify it as totalitarian.

Why Should Schools Be Better?

I have been asked, more than once, why schools should be fair, treat students correctly, and so on. Usually the question is phrased as – why should schools be fair, if the world isn’t? That is, don’t schools need to prepare students for the unfair world, not release them with the delusion that the world is

fair? There are many responses to this. For one, schools can teach about the unfairness of the world without imposing it on students. For another, as the above shows, in many ways schools are worse than the rest of the world. The question itself – why should one treat children well – strikes me as evidence that the speaker either dislikes children, or does not understand the role of adults – we are supposed to protect children.

The most important answer, though, is that the role of schools is not to reproduce the current society. Students should not be socialized to accept bad things being done to them, so that they are fit to live in a society that does bad things to people. They should be socialized to not accept such treatment, so that they will improve the society. The purpose of school ought to be (if we are to have schools at all) providing the tools necessary for the next generation to build a better society. In each generation, there is, in theory, more accumulated wisdom, more old ideas proven incorrect, and so on – schools can help transmit what the previous generation knew, so that the next can build on it, disprove parts, and come to conclusions that the older would not come to.

Conclusion

If we are outraged by what Snowden has revealed – and we should be – we have every reason to be far more outraged by what is done to children every day. Children are powerless and defenseless – we should always worry most about what is done to them. We must also realize that nowhere else in society would we tolerate what is done every day to children. How many of us would expect to ask permission to use the bathroom, to be forced to do physical labor every time we are late – and to be required to participate and display a positive attitude about this treatment? Would we accept a full day of unasked for obligations every day, with no pay?

Furthermore, that it is done to children makes it far more likely that it will happen throughout society. Children who grow up – as they have for generations – with this treatment are less likely to be vigilant for such abuses. Schools may not succeed in teaching math and science, but they have taught respect for authority, unquestioning obedience, and acceptance of totalitarianism. Furthermore, when we fight it in the schools, we are putting our leaders on notice that we consider such behavior unacceptable. What message does it send – to politicians and to children – when we object loudly when it is done to us, but

remain silent about the worse forms of abuse imposed on children? Δ

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Hey Iraqis: How's that "Liberation" Stuff Workin' Out For Ya?

Kevin A. Carson

[21 March 2013, C4SS]

On March 19 Donald Rumsfeld, former US "Defense" Secretary and ongoing sociopath and moral leper, celebrated the tenth anniversary of the Iraq War with this tweet: "10 yrs ago began the long, difficult work of liberating 25 mil Iraqis. All who played a role in history deserve our respect & appreciation."

Just what "liberation" meant to Rummy, Dummy and Scummy can be seen from the agenda Paul Bremer implemented as head of the Coalition Provisional Authority (CPA) in Iraq. Imagine the kind of "What I Would Do If I Were Absolute Dictator For A Year" list an entire army of ALEC staffers and Heritage Foundation interns would come up with, with the RIAA, MPAA, Monsanto, Halliburton and Blackwater egging them on, and that's basically what Bremer did to Iraq.

Bremer's CPA was a classic "night watchman state." Remember all those priceless historical treasures the looters "liberated" from the National Museum while the U.S. looked the other way? With Night Watchman Bremer's go-ahead, global corporate

looters gave the Iraqi economy just as thorough a ransacking.

Bremer's infamous "100 Orders" repealed virtually all of the Saddam-era legal structure – except for the 1987 Labor Code, which prohibited collective bargaining in the state sector. The state sector encompassed two hundred state-owned firms (a major chunk of the industrial economy), and Bremer wanted to "privatize" them in insider sweetheart deals with crony capitalists. Legalizing unions might gum up the works.

The CPA refused to unfreeze the assets of the Iraqi Federation of Trade Unions (IFTU). Bremer ordered US troops to storm the IFTU headquarters and kept it closed down for months. A local American commander helpfully told an imprisoned union organizer that Iraq was not a sovereign country, and that so long as it was under the administration of the CPA Bremer didn't want unions.

Bremer's 100 Orders also included Order 81 on "Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety," which updated "intellectual property" law to "meet current internationally-recognized standards of protection" like the WIPO Copyright Treaty and Uruguay Round TRIPS Accord (which the U.S. Digital Millennium Copyright Act was also passed to implement). Among other things, the new law criminalized saving seeds for the next year.

The entire legal regime Bremer implemented by decree was to remain the law of the land even after the restoration of sovereignty, until – and unless – it was superseded by a new constitution. The so-called "transfer of sovereignty" was to a government appointed by the CPA, enabling Bremer to evade the restriction in international law against a conqueror directly selling off state assets – while also leaving in place an "interim constitution" based on Bremer's 100 Orders.

Article 26 of Bremer's Constitution, stated that "[t]he laws, regulations, orders and directives issued by the Coalition Provisional Authority ... shall remain in force" under the interim government, until the "sovereign" puppet regime was replaced by general

elections. As Naomi Klein observed in "Baghdad Year Zero" (*Harper's*, September 2004):

"Bremer had found his legal loophole: There would be a window – seven months – when the occupation was officially over but before general elections were scheduled to take place. Within this window, the Hague and Geneva Conventions' bans on privatization would no longer apply, but Bremer's own laws, thanks to Article 26, would stand. During these seven months, foreign investors could come to Iraq and sign forty-year contracts to buy up Iraqi assets. If a future elected Iraqi government decided to change the rules, investors could sue for compensation."

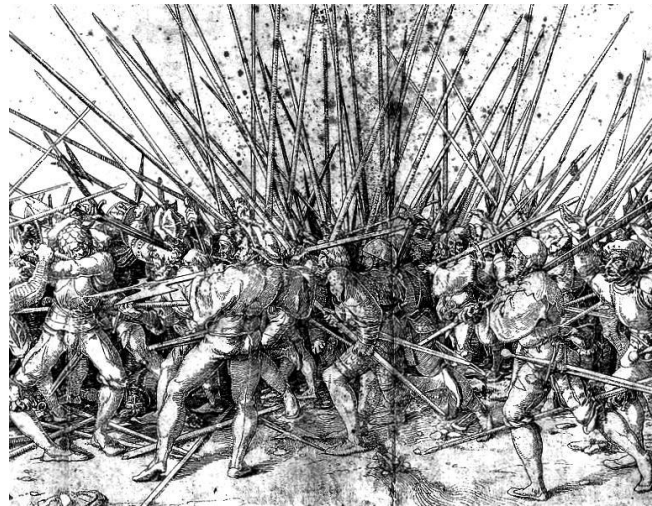
The "interim constitution" was designed to make its own replacement by referendum extremely difficult – among other things, requiring any new constitution actually approved by the people of Iraq (as opposed to decreed by Bremer's fiat) to receive at least thirty percent of the vote in sixteen of Iraq's eighteen provinces.

On top of everything else, Bremer appointed a whole slew of ministerial officials to five-year terms that would override any later decisions by an independent government.

Meanwhile, a "debt forgiveness" plan negotiated with creditor nations under IMF auspices used debt contracted by Saddam – debt that should have been treated as odious, and hence null and void – as a whip to coerce adherence to the Washington

Consensus economic agenda.

This is the "liberation" agenda for which Rumsfeld and his fellow war criminals murdered hundreds of thousands, and physically crippled or psychologically scarred untold hundreds of thousands more. If that's the kind of "liberation" you like, may you soon join Rumsfeld in hell. Δ



Viewing State Action the Same as Individual Action

Chad Nelson

[20 March 2013, Antiwar.com; revised]

It is a curious phenomenon that misery, death and widespread destruction of property is mourned when it comes as the result of a natural disaster or at the hands of a tyrannical foreign government, yet is callously disregarded when undertaken as part of the military pursuits of the United States government. Humanitarian aid and relief efforts so prominent in the wake of events like Hurricane Katrina or genocide in Darfur are not even an afterthought in response to millions of displaced Iraqis or sick and starving Iranians. Instead, these occasions of mass human suffering are celebrated as victories by the large majority of Americans, to the extent they are even aware of them.

One need only look to mainstream news outlets for further evidence of this moral decay. Horrible conditions that would make daily front-page headlines were they the result of an earthquake are simply ignored when they are caused by our government. What is it that exists in the psyche of a population that allows its inhabitants to turn a blind eye to these conditions so long as they are taking place in far off lands as part of a government sanctioned war strategy?

One of the few politicians to challenge this mindset is Ron Paul. Paul emphasizes a foreign policy based on the Golden Rule – that one should treat others as he would like others to treat him. He has used the hypothetical scenario of Chinese troops patrolling the streets of Texas under the auspices of “safety,” “promoting democracy,” and “protecting strategic interests.” What, he asks, would Americans do in response to such a Chinese occupation? Although this kind of talk regularly elicits criticism from Left and Right audiences alike, Paul says that many have found this part of his message more enlightening than any other.

While it is important to look at American foreign policy through the eyes of non-Americans, it is even more important to judge state action abroad in the same way we judge individual action. In his essay *War, Peace, and the State*,¹ Murray Rothbard does just

that, applying the same principles to war as would be applied to two feuding individuals. In doing so, he deals the state a devastating blow. Rothbard begins by stating the obvious – that it is perfectly just for an individual, Jones, finding himself or his property being attacked by Smith, to employ self-defense against Smith. Everyone would agree, however, that Jones would not be justified in using violence against innocent third parties in attempting to catch Smith. For instance, if Jones’s valuables are being stolen by Smith, he has every right to use force to attempt to repel or catch Smith, but he does not have the right to repel or catch Smith by indiscriminately spraying machine gun fire into a crowded shopping mall where Smith hides. Doing so would clearly make Jones as much a criminal aggressor as Smith.

Understanding such a simple and obvious truth, then, we must ask why identical criminal behavior such as that described in Rothbard’s example suddenly becomes not only justified, but glorified, when done by the state. Why is Jones’s behavior plainly understood by all as murder, yet when done on an enormous scale by the state, heroic? Therein lies the veil that the state has so successfully managed to hide behind.

In the recent debate over the American use of drone warfare, critics demanded to know from the Obama administration whether it believed that it could use deadly force against an American terrorist suspect on American soil. Could the military, the critics asked, send a Hellfire missile into an American café where a suspected terrorist sat? The Obama administration and its supporters dismissed such questions as the paranoid rantings of conspiracy theorists. To imagine any American government, let alone the current one, employing such murderous tactics was simply too far-fetched to justify an answer. It had never occurred to them that such questions were perfectly reasonable considering the frequency with which they use identical tactics around the world.

It is a positive sign that many Americans appeared outraged by the Obama administration’s inability to answer such a simple question, but it remains troubling to read the results of surveys which reveal that only about a quarter of Americans disapprove of the taking of innocent lives overseas, be they at a café, a funeral, or gathered at a barbeque. As the nineteenth century peace activist Elihu Burritt observed, “[w]ar seems to reverse our best and boasted civilization, to carry back human society to

the dark ages of barbarism, to cheapen the public appreciation of human life almost to the standard of brute beasts.”³ The desensitization described by Burritt is as strong as ever today, as wars are judged based on their financial cost and “strategic objectives,” but not their death tolls.

Not until more people begin to apply the universal truths that govern our individual behavior to state officials will this barbaric tide recede. Until then, the world must continue to live under the moral code of the state, which says that killing is okay when done by the American government. Δ

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Notes:

[1] <http://www.lewrockwell.com/rothbard/rothbard26.html>

[2] <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/03/10/most-americans-approve-of-foreign-drone-strikes>

[3] Burritt, Elihu and Northend, Charles, *Elihu Burritt: A Memorial Volume Containing a Sketch of His Life and Labors, with Selections from His Writings and Lectures, and Extracts from His Private Journals in Europe and America*, Ulan Press (2012).

Prisons Can't Stop Rape Culture, Grassroots Intervention Can

Nathan Goodman

[22 March 2013, C4SS]

Trigger warning: The following op-ed contains discussion of rape, including some graphic details.

When I heard that two rapists in the Steubenville, Ohio case were convicted and sentenced to jail, I'll admit part of me felt a sense of relief. According to the Rape, Abuse, and Incest National Network (RAINN), only 3% of rapists ever spend a night in prison.¹ It feels good to see rapists fall into that 3%. But the more I consider this case, the more I realize that no prosecution, verdict or sentence can solve the problem.

The men who were convicted raped a 16-year old girl – digitally penetrated her while she was drunk, vulnerable and unconscious. Photographs of the girl's

naked body were taken and shared without her consent. These acts are appalling violations of the right to control one's own body, the most basic principle of liberty. Rape and sexual assault violate that right in the most personal, damaging and invasive way.

If only the bystanders who witnessed the assault had understood this. It happened at a party. Many peers of the victim and the perpetrators witnessed the assault as it happened and posted videos and tweets about it online. One boy spoke up in the victim's defense, but was laughed at and did not successfully stop the assault.

Evan Westlake testified at trial that he saw one of the perpetrators, Trent Mays, smacking the victim's hip with his penis. He also saw Ma'lik Richmond, the other perpetrator, penetrating the victim's vagina with two of his fingers. When asked why he didn't intervene, he answered “it wasn't violent. I didn't know exactly what rape was. I always pictured it as forcing yourself on someone.”

What Westlake witnessed was violence. It entailed physically violating another person's boundaries. But, as is often the case in real rapes, there was no struggle, no armed stranger in the bushes, no screaming victim. What Westlake witnessed was rape. But it wasn't the comparatively rare stranger rape that haunts the popular imagination. So Westlake did not even recognize it.

We need to change that. In a culture that educated young people about respecting boundaries and treating other people's bodily autonomy as sacrosanct, Westlake would have known *exactly* what rape was, and he would have intervened. Throughout the night, when boys assaulted the victim, joked about raping her, and carried her unconscious body between rooms, multiple people would have intervened. But evidently, we don't live in that culture.

Special Judge Thomas Lipps did little to bring us closer to that culture. Even as he convicted and sentenced the rapists, he made several troubling statements. For example, he claimed that this case shows alcohol is “a particular danger to our teenage youth.” Alcohol was not the problem here; rape was. People can drink alcohol voluntarily and consensually. Drunk people have the right to have their boundaries respected.

Focusing on underage drinking enables victim blaming. In the Steubenville case, a litany of sexists blamed the victim,² one even suggesting that the state should prosecute her for underage drinking.

Victim blaming has also played a role in threats³ the victim has received throughout this case. By shifting the focus from boundaries and consent to consensual alcohol consumption, Lipp's comments enable this attitude.

Lipp also advised teenagers “to have discussions about how you talk to your friends; how you record things on the social media so prevalent today; and how you conduct yourself when drinking is put upon you by your friends.” Social media was not the problem here. In fact it provided vital evidence. Rather than advising teenagers to not rape, Lipp advised them on how to avoid getting caught.

With such from the judge, one wonders whether the rapists will learn anything. By the age of 21, both will have been released from juvenile detention. I doubt that prison will teach them to respect others' bodies and rights. As an institution, prison is built on coercion, on systematically violating people's bodies. Sexual violence is rampant⁴ in juvenile detention centers, and is disproportionately directed against LGBT detainees and survivors of prior sexual assault. The Steubenville rapists might continue to rape captive victims in detention centers, and be released with even less respect for bodily autonomy than they started with.

If prosecutions and prisons won't stop rape, what will? A good start is educating people, especially young boys, about what rape is, why it's wrong, and the ethics and practice of bystander intervention.⁵ Future Steubenvilles can be prevented by creating a culture where people stand up for each other's basic rights and take issues of consent seriously. Δ

Notes:

[1] <http://www.rainn.org/get-information/statistics/reporting-rates>

[2] <http://www.buzzfeed.com/jpmoore/23-people-who-think-the-steubenville-rape-victim-is-to-blame>

[3] <http://www.washingtonpost.com/blogs/she-the-people/wp/2013/03/20/steubenville-ohio-rape-victim-threatened-by-mean-girls>

[4] <http://amplifyyourvoice.org/u/vanessaaisahacoleman/2010/02/28/sexual-violence-in-juvenile-detention-centers>

[5] <http://www.nsvrc.org/projects/bystander-intervention-resources>

Prison Break

Roderick T. Long

[8 June 2011, Bleeding Heart Libertarians]

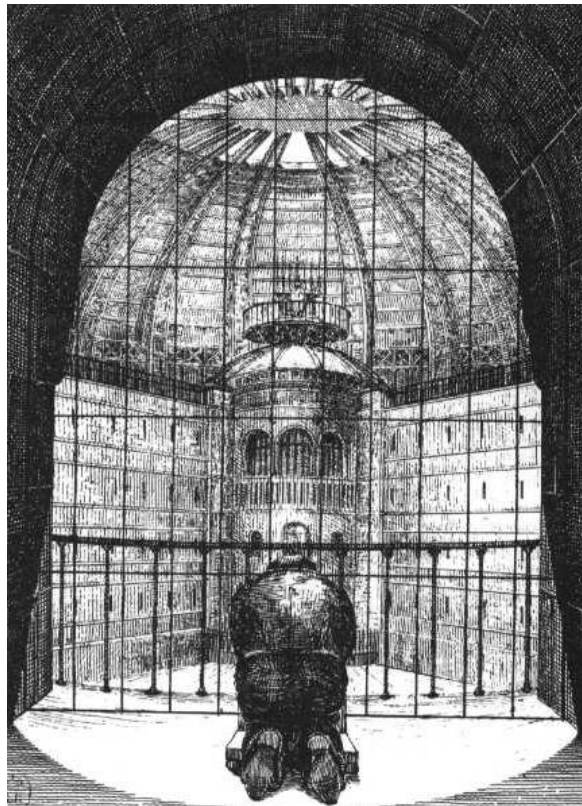
Fernando Tesón suggests¹ that rather than complaining that “the incarceration rate in America is too high,” we should complain instead that “America punishes innocent persons” (e.g. drug users).

Certainly the incarceration of people who have violated no rights is an important part of America's prison problem. But I don't think that covers all of it. There are also moral problems, I think, with the incarceration of *rights-violators* – which means that high incarceration rates are going to be something worth complaining about even when the prisoners are guilty as hell.

First, there are many prison inmates who, while they may have violated somebody's rights, don't pose any serious threat of violence to anybody. Seizing them and holding them in cages seems morally disproportionate (to say nothing of the expense). Why not focus on having them pay restitution to their victims?

Second, while there are rights-violators who do pose severe threats to other people, and there might accordingly be a case for incarcerating such people in prisons of *some* sort, the kinds of prisons that actually exist in present-day society are such nightmarish hellholes that incarceration in that context seems seriously inhumane.

And when we turn our attention from the ill treatment that such prisoners *receive* to the ill treatment they *inflict*, it makes little sense to trumpet



incarceration as a way of stopping violent criminals from committing assault, rape, and murder, when they are allowed to go on committing assault, rape, and murder against fellow inmates once inside. (Being convicted of a crime does not mean one has forfeited one's right not to be assaulted, raped, or murdered.)

Now my own view is that punishment *per se* (i.e., intentionally making criminals suffer – as opposed to doing things that as a matter of fact may displease them, such as forcing them to compensate previous victims or restraining them from attacking new ones) is unjustified, whether for retributive or deterrent purposes. For me this is a plausible corollary of the non-aggression principle: if the use of force is justified only in response to aggression, then any use of force that goes beyond preventing or undoing the aggression must be too much.²

But I don't take the points I've just been making here to depend on my anti-punishment stand. One can believe in punishment without believing in *excessive* and *inhumane* punishment. Locking people in cages, even absent further abuse, seems excessive and inhumane when the crime in question is nonviolent; and incarceration in *prisons as they are* – rape rooms and torture chambers – seems excessive and inhumane for any case. Hence I think prison reform is a moral precondition for the legitimacy of incarceration of even violent offenders. (As for the best way to achieve prison reform, that's a subject for another post. But top-down micromanagement is not going to be the answer.)

For those who doubt that incarceration counts as inhumane, ask yourself: if you had a choice between being waterboarded *once* and being imprisoned for several years, which would you pick? Δ

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Notes:

[1] <http://bleedingheartlibertarians.com/2011/06/a-puzzle>

[2] See my arguments here: <http://praxeology.net/libertariannation/a/f1212.html> and: <http://praxeology.net/long-irrelevance-responsibility.pdf>

Deadly Contradictions: Patent Privilege vs. “Saving Lives”

Nathan Goodman

[17 February 2013, C4SS]

In his 2013 State of the Union address, US President Barack Obama claims that the U.S. will help end extreme poverty “by saving the world’s children from preventable deaths, and by realizing the promise of an AIDS-free generation, which is within our reach.” Sounds good, right? Unfortunately, the president directly contradicted these goals earlier in his speech by pushing the Trans-Pacific Partnership (TPP).

The TPP is typically presented as a “free trade” agreement, but there’s one type of trade barrier it proposes to strengthen: “Intellectual property.” Patents and other forms of “intellectual property” restrict trade by granting monopolies on the sharing of an idea or the manufacture of a product. “Intellectual property” makes it illegal to use your own personal property to manufacture a product and sell it on the market once the state has defined the very idea of that product as someone else’s “property.”

“Intellectual property” harms consumers by raising prices. For some goods this is just an economic cost. But when it comes to medicine, the price increases associated with pharmaceutical patents *cost lives*. As Judit Rius Sanjuan of Doctors Without Borders says, “Policies that restrict competition thwart our ability to improve the lives of millions with affordable, lifesaving treatments.” Or, as Center for a Stateless Society senior fellow Charles Johnson puts it, “Patents kill people.”¹

And not just a few people. *Fire in the Blood*,² a documentary that premiered this year at the Sundance Film Festival, reveals how patents have killed millions. As Amy Goodman explains, “major pharmaceutical companies, including Pfizer and GlaxoSmithKline, as well as the United States, prevented tens of millions of people in the developing world from receiving affordable generic AIDS drugs. Millions died as a result.”

The Trans-Pacific Partnership would expand these already deadly patent monopolies, further restricting access to lifesaving medicines. Tido von

Schoen-Angerer of Doctors Without Borders wrote in 2011 that “leaked papers reveal a number of U.S. objectives: to make it impossible to challenge a patent before it is granted; to lower the bar required to get a patent (so that even drugs that are merely new forms of existing medicines, and don’t show a therapeutic improvement, can be protected by monopolies); and to push for new forms of intellectual property enforcement that give customs officials excessive powers to impound generic medicines suspected of breaching IP.”² Each of these provisions would use government force to prevent poor people from accessing medicine.

It’s clear that entrenching patent monopolies contradicts Obama’s stated goals of “saving the world’s children from preventable deaths” and “realizing the promise of an AIDS-free generation.” This contradiction between the TPP and the U.S. government’s stated commitment to public health has been apparent for a while. Back in 2011, Doctors Without Borders executive director Sophie DeLaunay said that the TPP would create “a fundamental contradiction between U.S. trade policy and U.S. commitments to global health.”

Contradictions like this are nothing new for the state. While politicians repeatedly promise to protect public health, they have long used coercive power to raise medical costs,⁴ sacrificing public health for private profits. The state has long justified its power with the language of “the public good,” all while wielding that power to protect privilege.

If we really care about “saving the world’s children from preventable deaths” and “realizing the promise of an AIDS-free generation,” we must end this murderous collusion between state and corporate power. We must smash the state and its deadly contradictions. Δ

Notes:

[1] <http://radgeek.com/gt/2013/02/13/patents-kill-part-iii>

[2] <http://www.youtube.com/watch?v=lphMHqjNcxk>

[3] http://www.huffingtonpost.com/tido-von-schoenangerer/shooting-itself-in-the-fo_b_959847.html

[4] http://www.fee.org/the_freeman/detail/health-care-and-radical-monopoly

Patent “Trolls” are Bad – Patents are Worse

Trevor Hultner

[11 March 2013, C4SS]

While global biotechnology firm *Monsanto* battled a farmer over soybean patents in the US Supreme Court,¹ a District Court in eastern Texas heard a similar case: *Personal Audio*, an alleged “patent troll,” filed suit against Adam Carolla’s *Ace Broadcasting* network for patent infringement.²

The patent allegedly infringed? “System For Disseminating Media Content Representing Episodes In A Serialized Sequence.”³ In other words, podcasting.

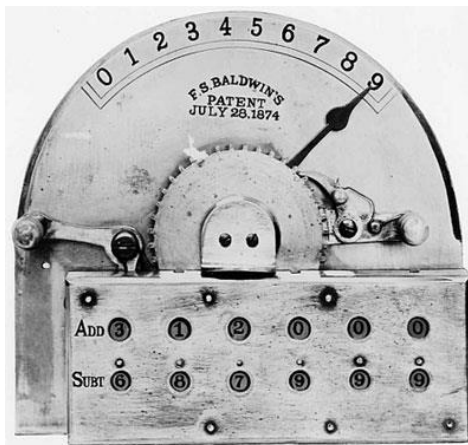
Personal Audio has been around since the mid-1990s,⁴ and credits itself with inventing the “Personal Audio Player,” a device similar to the iPod and the source of many of the company’s patents, including this one.

“[*Personal Audio* CEO James Logan] is a small businessman, an entrepreneur, who invested a ton of his money into a startup, who still owns the patent, and is just trying to get compensation for his hard work as an inventor,” the company’s vice president of licensing, Richard Baker, said.⁵ “This is what the patent system is for.” According to Baker, *Personal Audio* is also trying to sell its podcast license to several major and influential podcasts and providers.

“I will say that we’re certainly looking to license this patent beyond those three (companies they’re suing),” he said. “We’ve sent letters to a number of companies that we hope will come to a license with us amicably, without having to resort to litigation.”

The prospect of this licensing scheme spreading across the entire medium has spooked many podcasters, including *WTF Show* host Marc Maron⁶ and *Majority Report* host Sam Seder.⁷ Both have received letters from *Personal Audio* “inviting” them to purchase licenses, and both have used their voices to back a recently introduced piece of legislation called the SHIELD Act.⁸

Supported by the *Electronic Frontier Foundation*,⁹ SHIELD aims to make it prohibitively risky for



alleged patent trolls to sue; according to the act, if a patent troll loses, they have to pay the other side's legal fees and costs.

While this bill might be a minute step in a better direction, it isn't even a bandage on the problem of corporation-favoring patent law. The SHIELD Act, if passed, might prevent companies like *Personal Audio* from shaking people down, but it won't prevent companies like *Monsanto*, with "legitimate" patents on genetically modified and enhanced seeds, from suing farmers and forcing them to burn their crops when they find their seeds on the latter's land or *Apple* from making the smartphone and tablet markets expensively litigious.

Libertarian intellectual property lawyer and self-described IP abolitionist Stephan Kinsella brought up an interesting point in a recent interview¹⁰ that seems to get lost in the general discussion surrounding patent trolls, patent law and intellectual property more broadly: as bad as patent trolls are – according to Kinsella they cost the US economy somewhere around \$500 billion – legitimate patent holders, companies like *Monsanto* and *Apple*, can be – and often are – worse.

Speaking of *Apple*, imagine a scenario where the company going after Adam Carolla and the rest of the podcasting world wasn't some tiny dot-com-era relic in Texas, but the multi-billion dollar corporation from Cupertino, Calif.

In this hypothetical situation, who would have the money or power to fight against *Apple*? How could a DIY podcast held together with string and some spit defend against Apple if it held the "podcasting patent" and wanted money for its license?

Millions of people subscribe and listen to podcasts through *Apple's* distribution and cataloging software, *iTunes*. Currently, it costs nothing to add your own podcast to the *iTunes* directory; all that is necessary to do so is being able to link to a podcast RSS feed. If *Apple* owned the patent on podcasting and forced all new podcasts to purchase this license, it might, as EFF activist Adi Kamdar suggested in reference to *Personal Audio*, create a "chilling effect" on the medium.

It's possible, if the cost was high enough, that podcasting would meet the same fate as other forms of media and find itself subject to a "walled garden" model of organization. Only people with the means to do so would podcast. Vital voices and perspectives would be cut off.

Patent legitimacy as it is currently presented seems to be based more on perception than any objective standards of law. With *Personal Audio*, we question the legitimacy of their podcasting patent in a way we may not have done if another company with more buying power had reached it first. Therefore, the solution to the problem of patent trolling is not to "regulate" it with faulty measures and half-steps in the "right direction."

The patent system itself must be abolished. Δ

Notes:

- [1] <http://www.nytimes.com/2013/02/16/business/supreme-court-to-hear-monsanto-seed-patent-case.html>
- [2] <http://www.techdirt.com/articles/20130206/07215421891/patent-troll-says-it-owns-podcasting-sues-adam-carolla-howstuffworks.shtml>
- [3] <http://personalaudio.net/pdf/US8112504.pdf>
- [4] <http://personalaudio.net>
- [5] http://www.youtube.com/watch?v=rvK_NCfOjSU
- [6] http://www.wtfpod.com/dispatches/entries/podcasters_are_under_attack_from_patent_trolls
- [7] <http://majority.fm/2013/02/04/24-julie-samuels-majority-report-under-threat-bob-edgar-the-filibuster-fail>
- [8] http://action.eff.org/o/9042/p/dia/action/public/?action_KEY=9072
- [9] <http://www.eff.org>
- [10] http://www.youtube.com/watch?v=rvK_NCfOjSU

Through a (Google) Glass, Darkly?

Thomas L. Knapp

[4 June 2013, C4SS]

Let me throw out two predictions so obvious that I shouldn't even have to commit them to print:

- 1) Within days, if not hours, of **Google Glass's** release to the general public, hackers will "jailbreak" the hardware, allowing it to run any "Glassware" users desire and can create or find online; and
- 2) An independent developer community will emerge to create those applications, whether Google wants them to or not.

As a matter of fact, I'll double down and assert that both of these predictions are already in the process of coming true, even while Glass is in its "Explorer Program" phase, and that Google's announcements this week that it won't allow facial recognition apps¹ or "adult" fare² for Glass will only add fuel to the fire.

Porn, of course, is any device's "killer app." Enough people want it, and want it badly enough, that they'll either have it from their devices or get *other* devices to have it from.

Above and beyond the usual – pedestrian porting of dirty pictures to Glass format, just like they were ported from print magazine to computer monitor way back when – I can't imagine that more than a year will go by before there's Glassware to predictively, imaginatively, visually undress whomever the user happens to be looking at on the street, on the dance floor, etc.

We don't have to like it. It's going to happen whether we like it or not, and whether Google likes it or not.

Similarly, facial recognition is the Glass-specific "killer app." It's the one thing that the device is so obviously useful for and that people will so obviously want to use it for that there's just not going to be any stopping it.

The most benign and universal applications are obvious:

You meet someone, you get his or her name, you say "OK, Glass, this is John Doe." You'll never have to worry about forgetting a name again.

You want to introduce two people, but can't be present. "OK, Glass, send John Doe's facial profile to Joe Smith, with a message to meet him in the food court at noon."

And so on, and so forth.

Are there more sinister uses for facial recognition? Of course there are. But facial recognition is coming.

Again: We don't have to like it. It's coming whether we like it or not, and whether Google likes it or not.

If by some chance Google is able to effectively darken Glass such that it can't fulfill users' desire for porn and facial recognition, then something else will

come along with clearer vision. You'll be able to pick up a Google Glass unit at Dollar Tree, like one of those little headphone-radio sets that people buy because they're going to the beach and don't want to risk getting sand in their *real* personal stereos.

The press is filled with nods – from Google itself, and from opponents of facial recognition tech – to something called "privacy."

But privacy, as David Brin has been pointing out for years, just ain't what it used to be. Absent complete technological collapse, it's

never going to be what it used to be again. If you show yourself in public, the assistive tech to identify you is going to be available. Period. And soon.

Instead of obsessing over the steady advancement of technology and attempting to thwart its potential at the development level, we should direct our efforts toward abolishing institutions which necessarily and murderously abuse that potential.

Technology is getting cheaper and cheaper, and more and more useful.

Political government is getting more and more expensive and less and less tolerable.

One of the two needs to go. And it's pretty clear which one. Δ

Notes:

[1] <http://consumerist.com/2013/06/03/google-says-no-for-now-to-facial-recognition-apps-for-glass>

[2] http://www.theregister.co.uk/2013/06/04/smutforglass_app_suffers_premature_ejection



The Strawberries of Wrath

Kevin A. Carson

[23 April 2013, C4SS]

The haciendas of Spanish America were based on enormous land grants from the Spanish crown and became the sites of large plantation farms worked on a neo-feudal basis by servile or near-servile labor. Such farms, typically, were situated near large

concentrations of native labor, and that labor was controlled primarily through debt-peonage. The haciendas of California were established on the preexisting pattern of Mexico, and located in places where large Indian populations were available to work the farms.

When California was annexed by the United States, the most influential Anglo settlers took over many of these haciendas and transformed them into modern agribusiness operations. The big California agribusiness plantations, built on the legacy of the haciendas, continued to rely on large amounts of cheap farm labor from segments of the population whose bargaining power was, for one reason or another, effectively nil. During the Depression and Dustbowl era, they relied on migrant farm workers from Oklahoma and other places who'd been tracted off their land by bank foreclosures.

In the 1940s, the U.S. government created the Bracero program to supply foreign guest workers from Mexico. Whether or not the irony was lost on them, I can't say.

When workers got too uppity and attempted to fight for better pay and working conditions, the agribusiness plantation bosses had the U.S. government to enforce discipline on foreign workers by deporting them. When native-born migrant workers became unruly and tried to organize, the farm owners resorted to vigilantism – as recounted by John Steinbeck – using the same kinds of terror tactics as the blackshirts hired by Italian factory owners in the 20th century and the Central American death squads still operating today.

The armed assault on Bangladeshi strawberry pickers at New Manolada Farms in Greece fits into this background narrative like a foot into a well-worn shoe. The farm employs several thousand foreign migrant workers, many of them not government-documented. Around 200 migrant workers demanded six months' back wages from the farm's owners. The supervisors told them they would not be paid, and ordered them back to work. When a group of workers refused to comply, a supervisor opened fire, wounding 28 of them. New Manolada has been

associated with high levels of anti-worker violence in recent years, including one case in which an Egyptian man was beaten and then dragged for a kilometer with his head jammed in a car window.

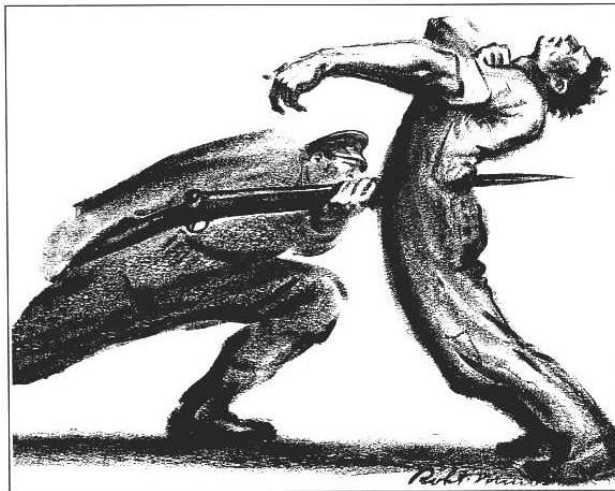
Although the local mayor dismisses this latest atrocity as an isolated incident, labor activist Natassa Panagiotara said such slave-labor conditions are common among the big strawberry farms employing foreign laborers in the area. The shooting took place against the background of economic collapse in Greece and the increasing prominence of the neo-fascist Golden Dawn party, which is associated with quasi-private paramilitary vigilantism against workers and immigrants.

In contemporary America, native-born wage-workers are intimately familiar with how it feels to have their livelihoods and subsistence subject to the whims of an employer. But at least they're able to organize and expose their employer to public humiliation, as Imolakee migrant tomato pickers have in recent years and as Walmart workers did late last year. And if they get fired, at least they don't have to worry about being deported for it.

But for undocumented immigrants, and even legal "guest workers," this dependency is turned up several notches. As with Greece's foreign farm workers, the genuinely slave-like conditions that exist for many American garment workers, sex workers, etc., are enforced by immigration law.

The enforcement of imaginary lines on a map results in an "illegal" status for many human beings which, despite being utterly imaginary in its moral basis, is all too real

in its effects. Closed borders are a powerful tool for labor discipline by employers. They magically transform some workers into "illegal" beings dependent on a patron for their continued survival. And, much like racial divisions that weakened the labor movement (land owners in the south destroyed the tenant farmers' union by exploiting such divisions), they facilitate a divide-and-rule strategy that pits native-born and immigrant workers against each other and makes them see each other rather than the employer as their enemy. Δ



Bangladeshi Workers Need Freed Markets

Sheldon Richman

[22 May 2013, Future of Freedom Foundation]

Since November, more than a thousand Bangladeshi garment workers have perished in two tragic factory calamities: a fire in Tazreen and a building collapse in Savar, outside the capital, Dhaka. Bangladesh is a major exporter of apparel to the West and “is set to become the world’s largest apparel exporter over the next few years,” the *Economist* reports.¹ Wages are lower there than most places, including China, and a large percentage of the 4 million garment workers are women.

Are dangerous factories the price of progress? A passionate debate now rages over whether international safety standards should be enforced against manufacturers in the developing world and their Western retailers. Proponents of standards argue that the costs would be small and the benefits great. An Accord on Fire and Building Safety has been signed by major retailers in Europe and a few in North America, but the *Huffington Post* says that 14 other North American retailers have refused to endorse it.² “Some retailers, like Walmart, claim they are working on separate initiatives to improve conditions and workplace safety in Bangladesh,” the online publication states, but this claim has been met with skepticism.³

Opponents of government regulation argue that artificially raising the costs of manufacturing in poor countries would harm intended beneficiaries by destroying jobs. If so, workers would face worse options, including life on the streets and prostitution.

Unfortunately, the debate is unnecessarily narrow. What needs discussing – and radical changing – is the country’s political-economic system, which benefits elites while keeping the mass of people down. The

economists are correct that under the status quo, imposing safety standards would raise costs, cause unemployment, and aggravate poverty. But we can’t leave the matter there. We must go on to examine how the political-economic system constricts people’s employment opportunities, including self-employment, and otherwise stifles their efforts to improve their lives. Thus, a debate over whether garment factories should be subject to safety regulations, while the status quo goes largely undisturbed, misses the point.

According to a report⁴ written for the Netherlands ministry of foreign affairs, most Bangladeshis, unsurprisingly, are victimized by a land system that has long benefited the rural and urban elites. “Land-grabbing of both rural and urban land by domestic actors is a problem in Bangladesh,” the report states.

Wealthy and influential people have encroached on public lands..., often with help of officials in land-administration and management departments. Among other examples, hundreds of housing companies in urban areas have started to demarcate their project area using pillars and signboard before receiving titles. They use local musclemen with guns and occupy local administrations, including the police. Most of the time, land owners feel obliged to sell their productive resources to the companies at a price inferior to market value. Civil servants within the government support these companies and receive some plot of land in exchange.

Women suffer most because of the patriarchy supported by the political system. “Women in Bangladesh rarely have equal property rights and rarely hold title to land,” the report notes. “Social and customary practices effectively exclude women from direct access to land.”

As a result,

Many of the rural poor in Bangladesh are landless, have only small plots of land, are depending on tenancy, or sharecropping. Moreover, tenure



insecurity is high due to outdated and unfair laws and policies.... These growing rural inequalities and instability also generate migration to towns, increasing the rates of urban poverty.

Much as in Britain after the Enclosures, urban migration swells the ranks of workers, allowing employers to take advantage of them. Since Bangladesh does not have a free-market economy, starting a business is mired in regulatory red tape – and worse, such as “intellectual property” law⁵ – that benefit the elite while stifling the chance for poor individuals to find alternatives to factory work. (The owner of the Savar factory, Mohammed Sohel Rana, got rich in a system where, the *Guardian* writes, “politics and business are closely connected, corruption is rife, and the gap between rich and poor continues to grow.”⁶) Moreover, until the factory collapse, garment workers could not organize without employer permission.⁷

Crony capitalism deprives Bangladeshis of property rights, freedom of exchange, and therefore work options. The people need neither the corporatist status quo nor Western condescension. They need radical land reform and freed markets. Δ



Sweatshops the “Best Available Alternative”? But Who Decides What Alternatives Are Available?

Kevin A. Carson

[20 May 2013, C4SS]

Of all the self-styled libertarian commentaries attempting to put the Bangladesh garment factory tragedy in “perspective,” Benjamin Powell’s is probably the worst.¹ In Bangladesh, Powell writes,

“some 4,500 garment factories employ approximately 4 million workers. In the grand scheme of things, they are

better off with the factories than they would be without them; the benefits outweigh the risks. In fact, compared to other opportunities in Bangladesh, the garment industry pays reasonably well.”

If U.S. companies like Nike reduce their footprint in Bangladesh and abandon factories there out of fear of bad publicity, “hundreds of thousands of garment workers could lose their jobs and be thrust into worse alternatives.”

Well, yeah – true as far as it goes. When a mugger says “your money or your life,” I’m better off handing over the money and staying alive – but it’s the guy with the gun who artificially set the range of alternatives. The question you should be asking yourself, and people like Powell and the people in the C-suite at Nike don’t want you asking, is who decides what other alternatives are available in Bangladesh?

It isn’t some faceless, inevitable fact of nature that is forced on the sweatshops – or on Nike – by an anonymous market. Thanks to international trademark and patent law, Nike and a few other companies are the only game in town when it comes

Notes:

- [1] <http://www.economist.com/blogs/banyan/2013/04/disaster-bangladesh>
- [2] http://www.huffingtonpost.com/2013/05/17/bangladesh-factory-safety-accord_n_3286430.html
- [3] http://www.huffingtonpost.com/2013/05/14/walmart-bangladesh-factory_n_3275756.html
- [4] PDF: <http://tinyurl.com/majk3e8>
- [5] <http://www.theamericanconservative.com/articles/patent-nonsense/>
- [6] <http://www.guardian.co.uk/world/2013/apr/28/bangladesh-garment-factory-collapse-owner-held>
- [7] <http://www.guardian.co.uk/world/2013/may/13/bangladesh-trade-union-laws>

to hiring people to make shoes. They can take Nike's price or leave it. But there's lots of competing sweatshops, and Nike can easily take its business elsewhere. Nike's oligopsony pricing power means they can set the price they pay a sweatshop for a pair of sneakers as low as they like. And the same "intellectual property" gives them oligopoly pricing power in the United States to sell the sneakers at a retail price thousands of percent above the actual cost of production. The margin between what they pay sweatshops for the shoes and how much they gouge Western customers isn't set by "the market." It's set by Nike. They can set that margin as high or as low as they want.

And the operative phrase here is "as high." Nike would rather maximize the margin it makes on its sneakers, even at the cost of people living in barracks working hundreds of hours a week for a few dollars a day – and sometimes dying slow, horrible deaths by the hundreds in the rubble of their factories.

So-called "intellectual property" is not legitimate property at all, but a state-enforced monopoly every bit as protectionist as the industrial tariffs of a century ago. Like the tariff, "intellectual property" creates artificial scarcity in goods that are not scarce by nature, enabling privileged corporations to extract rents from that scarcity. The global corporations of the 21st century are as dependent on "intellectual property" for their profits as the old national industrial corporations of the early 20th century were on tariffs. Tariffs ceased to be useful to big business, and "intellectual property" became useful, because corporations became global. Because "international trade" actually consists mostly of internal transfer of goods between local subsidiaries of global corporations, tariffs no longer serve the interests of giant corporations. Like the tariff, "intellectual property" is a government restriction on who may sell a given type of good in a given market, enabling the beneficiary to charge whatever consumers can pay. But unlike the tariff, which was a form of protectionism that regulated the transfer of goods across national boundaries, "intellectual property" regulates the transfer of goods across corporate boundaries.

Unlike the industrial corporations of a hundred years ago, companies like Nike don't actually make things. They use artificial property rights like "intellectual property" to control the conditions under which other people can make things, and to set up toll gates between the people who make things and

the people who consume things. The really, really big money isn't the ability to produce, but the ability to collect tribute for allowing production to take place.

Without "intellectual property," those factories in Bangladesh could ignore Nike's trademark and market identical shoes to the local population at a tiny fraction of the price. And without Nike to impose uniform pricing across the industry, they'd have to compete for local workers. It wouldn't matter if Nike decided to "reduce its footprint" and pull out of Bangladesh. The workers' livelihoods would no longer be held hostage to what Nike did or didn't do.

Notes:

[1] "Sweatshops In Bangladesh Improve The Lives Of Their Workers, And Boost Growth," *Forbes*, May 2:
<http://www.forbes.com/sites/realspin/2013/05/02/sweat-shops-in-bangladesh-improve-the-lives-of-their-workers-and-boost-growth>

The Draft Is And Always Will Be Slavery

Anthony Gregory

[10 May 2013, C4SS]

Obama says some Americans are paranoid, fretting about an imagined tyranny lurking behind the corner. Progressives cheer as he mocks his lowly subjects. Yet some among them embrace one of the most despotic state powers imaginable: the draft.¹

The draft is military slavery. It cannot be justified on any basis. Ever. It is wrong in and of itself, just like aggressive war. It is true that the Vietnam war did end partly because of the draft – but only after the draft had allowed for a much larger war in the first place, entailing the death of millions of Southeast Asians and tens of thousands of Americans.

Progressives always seek to cure evils caused by the state by running to the state and asking it to resemble fascism even more than it already does. If you hate war, hate the state. If you can't bring yourself to turn against modern corporate liberal imperialism, then just back off. If you vote for people like Lyndon Johnson and Barack Obama, who promise more war and deliver more war, a program

100% consistent with their agenda at home, then you have no business forcing millions of Americans to die and commit murder on behalf of your beloved government in some twisted, too-clever-by-half scheme to stem the predictable evils that are not peripheral but intrinsic to the type of government you favor. You want a government that manages the economy, takes care of us all, stands up to every real and perceived evil of social power? Then you get mass murder. You don't get to relieve your guilt by forcing young Americans, under threat of imprisonment, into the horrors of war that inexorably follow from your own agenda. Slash and smash the state. It is the problem. Giving it the power of military enslavement is not just self-defeating; it makes you a party to atrocity on a mass scale.

Now, short of abolishing the state or military, we could conceive of a reform that at least moves things toward freedom. Despite the pro-draft propaganda, we don't have an "all-volunteer" military. People in any other sector have a right to quit their jobs at will. They might be in violation of contract to do so, but they are not thrown in cages for quitting.

The military is the only institution, or at least the major one, that still utilizes indentured servitude. This is inconsistent with freedom and human rights. Soldiers should be free to quit. If they were, these wars would be much harder to sustain. During the Iraq war, many soldiers are marines were forced to return to combat two, three, or six times under Stop Loss Orders. They should have been free simply to say, "No."

If you want to stop wars by tweaking with military personnel policies, establishing a truly volunteer military, where people can quit at will, would be the single best reform. It would also reduce the many problems of military recruitment, which uses dishonest and shady methods to ensnare young Americans into the Armed Forces. There would still be a lot of awfulness, including the military's tendency to draw on the poor who have few other options, but there is simply no way to make the intrinsically hierarchical and regressive military into an egalitarian institution. A draft too will always hit the poor much harder than the politically connected.

Calling for military conscription to stop wars is wrongheaded in many ways. More important, the draft is a form of slavery, and simply evil from top to bottom. If you want to reform the system and strike a blow against perpetual war, fight for the right of soldiers to quit their jobs at will. It is consistent with human rights and peace, and shrinks the power of the military state rather than doing the opposite. If your true interest is in ratcheting back imperialism and discouraging particularly disastrous wars, rather than in glorifying the

state, work for greater recognition of the dignity and liberty of those who find themselves stuck in the Armed Forces, not less. Δ

Notes:

[1] http://www.salon.com/2013/05/10/was_ending_the_draft_a_mistake



Margaret Thatcher and the Degradation of "Freedom" in Right-Wing Discourse

Kevin A. Carson

[9 April 2013, C4SS]

I confess my first reaction to news of Margaret Thatcher's death was to stifle a yawn. After all, she'd been long past doing anyone either good or ill. But after witnessing the sorry spectacle of reactionary old men at the Adam Smith Institute and Heritage Foundation attempting to crawl into Thatcher's coffin and be buried alive with her, and people at Mother Jones who should know better referring to her policies as "free market extremism," I feel compelled to write something.

As evidence that Thatcher "brought economic freedom to Britain,"¹ Ira Stoll mentions her privatization of state industries, reduction in the top income tax rate, and value-added tax increase that

“shifted the tax burden to consumption rather than income.”

Jim DeMint of the Heritage Foundation, lauds Thatcher not only for her assault on Big Government, but for being America’s steadfast partner in the fight for the global spread of liberty.²

Larry Kudlow – the ridiculous CNBC business wonk who probably doesn’t take off his wing tips with dress socks and sock garters even when he’s intimate with his wife – said that “‘Freedom’ was always her watchword.”³

So much for the hype. What’s the reality?

“Free enterprise” and “individual responsibility” are so far from any relevance to neoliberal capitalism that I can easily imagine a massive piece of totalitarian architecture in London, chief city of Airstrip One, with Ministry of Free Enterprise and Individual Responsibility written across its face in 10-story letters.

The neoliberal revolution has resulted in little if any overall reduction in the size of government. Neoliberalism is just another form of state capitalist intervention, with accumulation of “private” capital at taxpayer expense. Despite all the anti-“big gummint” rhetoric, Neoliberalism must in practice maintain massive levels of government spending to buy up the corporate economy’s excess product and utilize excess capacity. For the elites who carried out the revolution, Thatcher was just a useful idiot, a way of packaging their statist agenda in the wholesome imagery of nineteenth century liberalism.

That innocuous phrase “shift of the tax burden from income to consumption” covers a whole host of libertarian sins. While she lowered the top tax rate from 83% to 60%, she cut the basic rate only from 33% to 30% – and eliminated the bottom rate of 25% altogether for the underclass. She almost doubled the VAT from 8% to 15%, and made the regressive poll tax the main source of revenue for local government. So what she actually did was not so much reduce the tax burden as shift it from returns on capital and accumulated wealth to returns on labor.

What about Maggie’s heralded “privatization” of state industries? Neoliberal “privatization” of

government activity may leave a larger share of functions under nominally private direction – but operating within a web of protections, advantages and subsidies largely defined by the state.

The same applies to the rest of the so-called “small government” agenda. Spending cuts on social services are more than offset by other forms of subsidies (including “Defense”) to the operating costs of corporate enterprise. Neoliberal trade agreements include a legal framework (e.g., so-called “intellectual property” rights) designed mainly to protect big business against the market. “Deregulation” is really just reregulation – a shift of state activity in a more pro-corporate direction.

Thatcher’s hatred of Big Government apparently didn’t extend to the use of eminent domain to make way for subsidized highways, as evidenced by the siege and subsequent bulldozing of Wanstonia to make way for her beloved M11, part of her “greatest road-building program since the Romans.” But then subsidies to the car culture and to Big Business’s long-distance shipping costs is seldom counted as part of Big Government.

What people like Stoll mean by “economic freedom” can be seen from the utterly idiotic claim that the Pinochet dictatorship in Chile was bad for personal freedom but “good for economic freedom.”

Those who dismiss Pinochet’s forcible suppression of workers’ right to associate and organize as irrelevant to “economic freedom,” oddly enough, are the same people who make the freedom of capitalists to buy, sell and own the means of production the defining characteristic of “free market capitalism.”

Pinochet’s “economic freedom” agenda explicitly included, as a major component, the violent liquidation of the labor movement. His soldiers visited factories and asked managers to point out labor activists for subsequent torture and “disappearance.” What kind of “economic freedom” is it when the state’s secret police terrorize an entire population in order to reduce the bargaining power of labor, so that the business climate will be conducive to capital investment?



That the Adam Smith Institute Director Madsen Pirie places repeated emphasis on the comparative number of “days lost to strikes” before and after the Iron Lady’s accession to power⁴ suggests he shares Pinochet’s idea of “economic freedom.”

As for Thatcher’s defense of the “values and freedoms so fundamental to our way of life” that Stoll makes so much of, they don’t bear much looking into. When challenged by a reporter on the futility of drug criminalization (“Even my chauffeur smokes pot”), she responded “Tell me who he is. I’ll have him arrested.” Like her counterpart Reagan in the United States, Thatcher began a thirty-year slide into police statism, and the erosion constraints on unreasonable search and seizure and other common law due process guarantees, that was built on by Tony Blair and Gordon Brown.

Thatcher’s solidarity with America in “the global cause of freedom,” as DeMint puts it, is a phrase that only makes sense when interpreted with the help of the Newspeak Dictionary. Thatcher was one of the most faithful and tireless friends to torturers, military dictators and death squads the world ever knew – just so long as they were enemies of the Soviet Union and limited their terror to labor organizers and land reform activists.

In short, as a defender of “economic freedom” and every other kind of freedom, and as a promoter of “free enterprise” and “individual responsibility,” Margaret Thatcher was a complete and utter fraud. And the sycophancy of her cult-followers is nothing short of sickening. Δ

Notes:

[1] “How Margaret Thatcher Brought Economic Freedom to Britain” (*Reason*, April 8, 2013): <http://reason.com/archives/2013/04/08/how-margaret-thatcher-brought-economic-f>

[2] “DeMint on Lady Thatcher, Freedom’s Champion” (April 8, 2013): <http://www.heritage.org/research/reports/2013/04/demint-on-lady-thatcher-freedoms-champion>

[3] “Thatcher, Freedom, and Free Markets” (April 8, 2013): http://www.realclearpolitics.com/articles/2013/04/08/thatcher_freedom_and_free_markets_117846.html

[4] “She Was a Giant Among Men” (April 8, 2013): <http://www.adamsmith.org/blog/politics-government/she-was-a-giant-among-men>



Is Property Theft?

Less Antman

[7 March 2010, *Anarchy Without Bombs*;
revised for C4SS, 30 September 2012]

“Property is Theft!” was the battle cry of one prominent French anarchist in the 19th century. “Au contraire, mon frère,” retorted another. “Property is Liberty!” “You’re both wrong,” said a third. “Property is Impossible!” How such people got along with each other is amazing. More so, since it was the same man, Pierre Proudhon, who said all three.

All anarchists support property rights, including those who oppose property rights. And all anarchists oppose property rights, including those who support property rights. Context is everything. So are definitions.

Property is Theft

Proudhon was no fool: he recognized the irony of that statement, for in the process of condemning property, he was confirming it. Without the concept of property there can be no concept of theft. So let’s try to figure out what he might have really meant.¹

When Proudhon wrote these words, far and away the most important form of property was land, and most ownership of land was the result of arbitrary claims enforced by the ruling government rather than personal homesteading or voluntary transfers traceable to a personal homesteader. In short, most property at the time *was* stolen.

Thoughtful anarcho-capitalists concede this point, and insist they only support homestead-based claims, thinking they have addressed the entire anarcho-communist objection to private property. They have not. For another fundamental point is that owners of land were considered to have the exclusive right to determine what happens to everything *and everyone* on their land. And some anarcho-capitalists defend that point of view. Oddly, many of them defend this view of property rights as a logical outgrowth of the principle of self-ownership.

Self-Ownership

As I’ve noted before, my favorite definition of anarchy comes from Roderick Long:

Other People Are Not Your Property

I've yet to meet an anarcho-capitalist who objects to this formulation. Nearly all of them also agree with Thomas Jefferson's formulation of the rights of man in the Declaration of Independence, where he states that the rights to life, liberty, and the pursuit of happiness are unalienable (which is an acceptable variant of inalienable, regardless of what you've heard), meaning that they are "incapable of being repudiated or transferred to another." [No, "uncapable" is not an acceptable variant.]

But if "Trespassers Will Be Shot On Sight" is a valid assertion of property rights by the owner, then it is clear that self-ownership isn't going to get you very far: your unalienable rights only exist as long as you can find a spot nobody else owns, at which point you can be immediately declared an illegal alien. Yes, of course, I might shoot someone because they are a credible threat to my life, but this is true whether they've threatened me in the home I own, the apartment I rent, the hotel where I'm staying, or the restaurant where I'm eating: it has nothing to do with my being the owner of the property.

Proprietary communities are another extraordinary application of extreme propertarianism. Defenders of these sometimes assert that *any* rules can be set and enforced, so long as the property was legitimately homesteaded or transferred. Again, anybody supporting this who claims that self-ownership is unalienable needs to consider how empty they're making this principle. I can say for certain they've never had to deal with the management of a co-op or condo association.

Property is Liberty

However, I come not to bury property rights, but to praise them. Proudhon's later pronouncement recognized that the claims of private property owners were a bulwark against government violations of life and liberty. I think we need to go further: property rights have proven to be an indispensable way of reducing social violence in general. As James Payne has documented in *A History of Force*, the world has been getting more and more peaceful over the centuries, and an increasing respect for property rights is probably one of the reasons. John Hasnas has written an excellent account of how law developed in pre-Norman England, with property



rights arising as an effective alternative to blood feuds.² And Bruce Benson, in his many studies in *The Enterprise of Law: Justice Without the State*, has identified property rights as a characteristic of all the legal systems he has seen develop in societies without central planners. When anarcho-capitalists are asked for historical examples of their societies, they usually pick multi-century examples such as Celtic Ireland and Viking Iceland, while anarcho-communists point to short-term experiments such as the Paris Communes and Spanish Revolution. It does appear that anarchist societies which respected property rights lasted a heck of a lot longer before failing. Alas, like virtually every government in history, virtually every anarchy in history was of finite duration. More on that shortly.

Property is Impossible

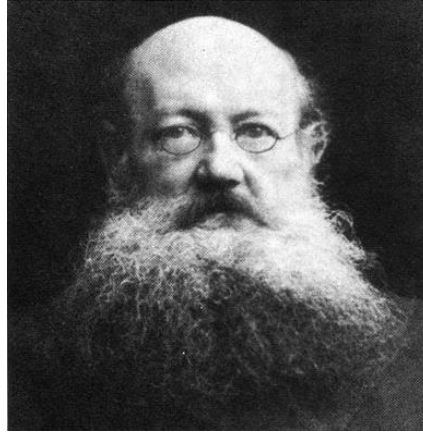
The Hasnas piece is especially instructive, because he notes the limits on property that naturally arose. Easements are one obvious example: if you own a piece of land, and I acquire, even by legitimate homesteading, all of the land surrounding yours, I don't have the right to effectively imprison you by denying you access to my land to get out. It would be useless to own the ground but not any of the space above the ground, yet I can't own everything above the land up to the end of the universe (I still wonder what exists 1 mile beyond the end of the universe). I can't exclude air and light going onto my property, and forbid all molecules that I consider to be pollution (especially now that so many think carbon is a pollutant). Absolutism on property quickly becomes absurd. And it is all because we look at property improperly, trying to derive a single set of rules for all situations from first principles, when property is, in fact, a problem solver that self-owners adopt for the purpose of living in peace and harmony with each other.

A Bundle of Rights

Property is not a single right, but a bundle of different rights that can be unbundled when desirable. The 2009 Nobel Laureate in Economics, Elinor Ostrom, who died earlier this year, performed the hard work of determining how real people have solved problems involving common pool resources that resist both government and private property

solutions. She discussed at least 5 different categories of property rights: access, withdrawal, management, exclusion, and alienation, and emphasized that it clearly isn't "all or nothing."

One can make even finer distinctions. If I homestead property to build a house, that might include a right not to have loud noise disrupt my sleep, but if I homestead property to build a factory, that right might not exist. We can look at my homesteading property for growing food, another might use the same property for hiking, another as a travel route to the other side, and as long as the later uses don't interfere with the earlier ones, each has homesteaded a right to the same property. Granted, homesteading a location for a personal residence should provide more of a right to exclude others. Still, reason must prevail.



We homestead property to the extent we are using it and in the manner we are using it, and we abandon our claim when it becomes clear we have stopped using it (as Bill Orton has suggested, much of the difference between ancap and ancom theories of property can be described as how "sticky" property is after homesteading).

Once we stop treating homesteading as granting total and permanent control over property merely through the act of mixing a little labor with it or fencing it off, we expand the number of people who support property rights enormously. Even anarcho-communists support possession, a right not to be violently dispossessed of property so long as a person is using it. And while many ancoms are infuriatingly vague about the length of time a person can stop using property before it is considered abandoned, and why lending property is okay and transferring property is okay, but lending property in exchange for a transfer of property (renting) is not okay, they're not so insane as to argue that a person who leaves his bed to go to the restroom at night has abandoned his bed and left it open to claimed by another, as some have charged.

Similarly, one of the most well-known common law precepts in the relatively sticky property world we live in is "possession is nine points of the law," and while it may not have been literally true in statute, it did and to a great extent still does represent the common sense of the average person in the Anglo-Saxon world. The accepted legal principle of adverse

possession derives from it, and legal scholars have referred to it over the centuries as a valid idea if not a mathematically literal statement. So let's not go around claiming the anarcho-communists are spewing pure drivel when they talk of possession rather than property.

Furthermore, even to the extent property rights are legitimate, dispute resolution over property cannot be territorially based, because that means begging the very question. You can't do that on my property! Who says? The judge says! Which judge? The judge I selected for all disputes involving my property! Who says it is your property? The judge! Which judge? The judge I selected for all disputes involving my property! I want a different judge! You have no choice, since you're on my property! According to whom? The judge! Which judge? The judge I selected for all disputes involving my property!

Sustainable Anarchy

Anarchists are usually treated to a catch-22 when trying to defend the practicality of our views, by people asking for historical examples. If we point out that there hasn't yet been a complete anarchist experiment, that is treated as proof of utopianism. If we provide clear examples from the current world, such as in Hasnas' excellent "The Obviousness of Anarchy,"⁴ all our examples are dismissed because they are occurring within a society that still has a government (even when its existence has no credible connection to the examples). And if we provide historical examples, of which there are several,⁵ of reasonably close approximations to what we propose, we're asked why they no longer exist.

Based on their great longevity, I think experiments in anarcho-capitalism have proven more successful than those under anarcho-communism. But I think the anarcho-communists have the answer to why the former still eventually failed: concentrations of power are dangerous even when they result from voluntary behavior. In both Iceland and Ireland, voluntary law and private property prevailed for centuries, but the acceptance of Christianity and, more importantly, of the tithing of money to the church, led to increasing concentrations of wealth in the hands of those overseeing church operations, and what was voluntary became coercive

once that concentrated wealth was used to project violent power.

Thus, it is right to question hierarchy in all of its forms, including landlord-tenant relationships and employer-employee relationships. That doesn't mean declaring them illegal, but it does mean being uncomfortable with *all* imbalances of power and addressing the reasons for them. At present, enormous amounts of land are closed off to homesteading, even within cities, and both licensing and regulation are used to destroy countless opportunities for self-employment. Intellectual property laws are used to prevent people from using their own tangible property based on their own knowledge, and the only people who can afford to enforce these laws are the wealthiest because of a monopoly legal system that is outrageously costly to use. Get rid of these restrictions and the imbalances of power blamed on capitalism become immensely smaller.

And if you pay attention to the words of the most intelligent anarcho-communists instead of straw-manning their views, you'll discover that the methods they propose to get rid of the non-violent hierarchies they oppose are non-violent and completely consistent with a free market. As I see it, we are not only allies on the most important issues of our time, such as military intervention, drug prohibition, corporate welfare, and the licenses, regulations, and taxes that destroy the opportunities of the average person, but we are even allies against hierarchy. David Friedman, whose *The Machinery of Freedom*⁶ was the book that converted me to anarcho-capitalism (although I now prefer to call myself a market anarchist, common law anarchist, or just plain anarchist), made it clear that he strongly preferred a society of individual business owners rather than large corporations, and saw extending free markets as the best way to achieve that.

In anarchy, networks replace hierarchies as tools for organizing society. Similarly, I see prices replacing bosses, as we coordinate activity through the price system rather than by having people who give orders and people who obey them. But, in addition to that, we need vigilance against imbalances of power when they develop, even when the result of voluntary activity. Boycotting businesses that treat workers poorly or use market power to restrict consumer

choice is part of maintaining a free society I switched from an Apple iPhone to a Google Android for that very reason). Ostracizing wealth accumulators who do nothing to help the less fortunate and praising those who use wealth for the benefit of society are also parts of it.

I especially like the idea of goodwill as the ultimate currency, as William Gillis wrote in 2009 on his site, *Human Iterations*.⁷ In an anarchist society, the



rich never forget that they cease to be rich if the rest of society chooses not to recognize their property claims: the moment you claim the right to more than what you can personally control, you are relying on other people to honor your claim. So be nice to people.

To Serve Man

Okay, time for the anarchist cookbook. I believe that property is a problem solver, a useful tool for achieving social peace and economic efficiency that benefits society enormously. However, it is a useful social convention, not an absolute right derivable from self-ownership: there is no reason that a person born in the year 2100 should have fewer rights than a person born in the year 2000, but if all the world becomes private property, and property owners can establish all the rules for their property, then every person born after that date will be born a slave, and self-ownership will become a joke. Moreover, the limits on property rights have already been acknowledged in common law, and ancaps need to abandon the cartoon version of contract law, and learn about duress, undue influence, and adhesions: established common law concepts that go beyond the "well, he agreed to it" view of contractual obligations. We've modified contract law enough in the US to recognize that employees have the right to quit their job even if they signed a multi-year contract (except for those who join the government military), and debtors can have their obligations cancelled in bankruptcy and never end up in prison if they don't pay (except for those who owe the government taxes). In short, the sanctity of contract is already recognized as an intolerable concept under law, because it violates self-ownership.

All anarchy requires is that we accept the idea that other people are not our property. With that alone, we'll create whatever order and organization is needed in an environment of mutual respect. When we have

disputes we can't resolve, we'll create tools for resolving them. History tells us that private property is one of those tools, but we shouldn't raise it to the level of a fetish that overrides our common sense and our humanity.

We Can All Live Together

What makes me most optimistic about the future of the anarchist movement is that reality will always win out over theory. Both the ancap who insists that homesteading creates total and permanent domination of a location and the ancom who insists that all private property is evil bow to the reality that, while they may continue to use the tools of persuasion, ostracism, and boycott, they ultimately will have to live in the world as it is. I see no evidence whatsoever that anarchist societies can successfully adopt either of the extremes (and if I'm wrong, I'll bow to that reality). The Hasnas piece I referenced earlier suggests that people create property rights when they can solve a problem and make exceptions when those exceptions solve a problem. Common law developed from the common sense of people.

Anarchy is not a system. It isn't even an -ism, although anarchism is a word we sometimes use. It is an attitude of respect for other people, and a rejection of master-slave relationships (with no exception for government officials). What grows from an atmosphere of mutual respect is unpredictable, differs from place to place, and changes over time. I believe that private property has proven its value, but that it isn't sustainable without a suspicion of all concentrations of wealth and power, even voluntary. As much as I think anarcho-communists are dead wrong about the need to abolish rent and wages, I think they are dead right about the need to be suspicious of all imbalances of authority and to openly condemn those who take advantage of such imbalances.

Up with Property! Down with Hierarchy! Δ

Notes:

[1] I am not claiming that my interpretations of Proudhon's slogans are identical to his. Proudhon didn't even say these things, because he spoke French. But I think he and I would have been friends, at least until we got into a discussion of French vs. California wines.

[2] <http://faculty.msb.edu/hasnasj/GTWebSite/SPPCPublishedArticle.pdf>

[3] <http://www.ozarkia.net/bill/anarchism/library/>

aa/p011.html

[4] <http://faculty.msb.edu/hasnasj/GTWebSite/Obvious.pdf>

[5] <http://royhalliday.home.mindspring.com/history.htm>

[6] http://davidfriedman.com/The_Machinery_of_Freedom_.pdf

[7] <http://humaniterations.net/2009/11/13/from-whence-do-property-titles-arise>

The Paradox of Property

Roderick T. Long

[5 May 2011, Austro-Athenian Empire]

Nonlibertarians are often puzzled as to why libertarians accept such strong property rights claims (sometimes called “absolute” property rights, though I've never figured out what “absolute” is supposed to mean in this context). The answer I'm going to give here is one I've already offered elsewhere,¹ but I want to try out a new way of putting it. (I oversimplify a bit here by not discussing the way in which consequentialist considerations play a role in defining the contours of deontological rights-claims,² but *sufficit diei*.)

The reason libertarians accept such strong property rights claims is that, ironically, a) it's much *harder* to justify rights to external property (*i.e.*, property beyond self-ownership) in libertarianism than in almost any other moral or political theory, and b) because of this, property rights claims have to be extremely strong in order to get justified in libertarianism at all.

Both halves of this claim will seem paradoxical. How can I say that libertarianism makes it *harder* to justify property rights than other theories do, when everyone knows that libertarianism is the most property-friendly theory on the planet? And how can I say that libertarianism makes stronger property claims easier to justify than weaker ones, when everyone knows that the stronger a claim is (in the sense of being more demanding), the *harder* (not easier) it is to justify?

The answer to the first question is that property rights claims, like all rights claims (at least in the sense of “rights” that prevails in political theory),³ are claims to the legitimate use of force. If I say that Wilhelmina has a property right to her shovel, I am saying not just that it would be morally wrong to deprive her of it, but also that it would be morally permissible for her

(or for someone acting on her behalf) to use *force* to prevent anyone from taking her shovel.

To justify a property rights claim, then, is to justify a claim to the legitimate use of force. And this is generally much harder in libertarian theories than in nonlibertarian ones. After all, nonlibertarians typically endorse the use of force in order to promote all sorts of good causes, so if property rights turn out to be conducive to such causes (as in fact they usually are), then they'll be fairly easy for a nonlibertarian to embrace. But for libertarians, a basic respect for other people's moral agency implies that no use of force is justified unless in response to someone's *initiation* of force. Hence in order for a scheme of property rights to be justified in a libertarian framework, it must be shown not just that violating such rights has bad results but that violating such rights *counts as initiatory force against some person* – a much higher bar.

And this in turn means that under libertarianism, rights to external property can be justified, if at all, *only* as an extension of the right of *self-ownership*. Only if imposing your will on my stuff counts as (indirectly) imposing your will on *me* will I, or my agent, be justified in using force to stop you. But by the same token, if external property rights are an extension of self-ownership, then they will have to be much harder to override (assuming self-ownership is hard to override) than if they derived from some less sacred source. Hence libertarianism has to endorse either very strong property rights claims or no property rights claims at all.

Why not the latter option? Because if there were no property rights of any kind – private or otherwise, strong or otherwise – then it would never be permissible to use force to prevent someone from appropriating any physical objects, which in turn would mean that I and my gang could with rightful impunity starve you to death by seizing all your food as quickly as you found or produced it, so long as we didn't actually touch your body while doing it. But this seems an unreasonable position for anyone, and *particularly* a libertarian, to accept. So if the no-property-rights option is closed off, only the strong-property-rights option is left. Δ

Notes:

[1] See: <http://praxeology.net/onerightREVdraft.doc> and: http://mises.org/journals/jls/20_1/20_1_6.pdf

[2] <http://praxeology.net/whyjust.htm>

[3] <http://praxeology.net/RTL-Abortion.htm#II>

Bastiat on the Socialization of Wealth

Sheldon Richman

[22 March 2013, Future of Freedom Foundation]

That ... veil which is spread before the eyes of the ordinary man, which even the attentive observer does not always succeed in casting aside, prevents us from seeing the most marvelous of all social phenomena: real wealth constantly passing from the domain of private property into the communal domain.

Wealth marvelously passing from the private to the communal domain? It sounds like a socialist's redistributionist fantasy!

But wait – Frédéric Bastiat, the great laissez-faire radical, wrote those words in his book *Economic Harmonies*, chapter 8, provocatively titled “Private Property and Common Wealth.”¹

He repeats the point throughout his fascinating chapter:

And so, as I have already said many times and shall doubtless say many times more (for it is the greatest, the most admirable, and perhaps the most misunderstood of all the social harmonies, since it encompasses all the others), it is characteristic of progress (and, indeed, this is what we mean by progress) to transform onerous utility into gratuitous utility; to decrease value without decreasing utility; and to enable all men, for fewer pains or at smaller cost, to obtain the same satisfactions. Thus, the total number of things owned in *common* is constantly increased; and their enjoyment, distributed more uniformly to all, gradually eliminates inequalities resulting from differences in the amount of property owned.

Here's what Bastiat has in mind. In a competitive marketplace with advancing technology, as the effort required to produce and, hence, acquire things diminishes, the price of gaining utility falls. For example, if the average worker had to work two hours, 40 minutes, to buy a chicken in 1900, but only 14 minutes as the 21st century approached,² Bastiat would say the chicken “is obtained for *less expenditure of human effort; less service* is performed as it passes from

hand to hand; it has *less value*; in a word, it has become *gratis*, [though] not completely.” In other words, most of the utility that had to be paid for with painful effort in 1900 was *free* by 2000. (By “less value,” Bastiat meant that the market price has fallen, not that the chicken is less useful.)

Thus progress through the market order consists in ever more people satisfying more of their wants at less and less effort. Bastiat calls this a move from private property to common wealth because he roots property in effort, and greater wealth is available to all with *less* effort. What makes this possible? Technological innovation. As Bastiat puts it, “Production has in large measure been *turned over to Nature*.”

The goal of all men, in all their activities, is to reduce the amount of effort in relation to the end desired and, in order to accomplish this end, to incorporate in their labor a constantly increasing proportion of the forces of Nature.... They invent tools or machines, they enlist the chemical and mechanical forces of the elements, they divide their labors, and they unite their efforts. How to do more with less, is the eternal question asked in all times, in all places, in all situations, in all things....

The gratuitous co-operation of Nature has been progressively added to our own efforts....

A greater amount of gratuitous utility implies a partial realization of common ownership.

But technology only makes this “marvelous social phenomenon” possible. What makes it actually happen? Competition, of course. If one producer attempted to charge the older, higher price – if he tried to capture the returns to what Bastiat called “the contribution made by Nature” – he would be inviting competitors to undersell him (unless government privileges, such as licensing or intellectual “property” blocked competition). Rivals would be able to undersell because a lower price would still recover the costs of the human effort involved in production. Competitive entrepreneurship drives prices down toward costs. As F. A. Hayek put it, “*The empirical observation that prices do tend to correspond to costs was the beginning of our science.*”³ (On the relationship between

cost and price, see my “Value, Cost, Marginal Utility, and Böhm-Bawerk.”)

Bastiat, like his predecessor Adam Smith, acknowledged that this process of passing wealth from the private to the communal domain is driven by people’s self-interest: “What other stimulant would urge them forward with the same degree of energy?” Today it is largely unappreciated that the market order – private property, competitive entrepreneurship, free pricing, profit/loss – aligns private and public interest as no other institutional setting possibly could. (For a pre-Austrian, Bastiat got an amazing number of things right, but he got one thing badly wrong when he rejected the idea that trade requires a double inequality of value.)⁵

To be sure, Bastiat did not want his praise of the expanding communal realm to be mistaken for communism. (“I anticipate it, and I am resigned to it.”) Unlike the communist, he favored the socialization of the fruits of *nature*, not of human effort.

By the communal domain is meant those things that we enjoy in common, by the design of Providence, without the need of any effort to apply them to our use. They can therefore give rise to no service, no transaction, no property. Property is based on our right to render services to ourselves or to render them to others for a remuneration. What the communist proposes to make common to all is not the gratuitous gifts of God, but human effort, or service.

So communism and the communal domain have nothing in common but a word root. Bastiat suggested that more people might favor free markets if they understood the distinction he was making.

If the legitimacy of private property has appeared doubtful and inexplicable, even to those who were not communists, it seemed so because they felt that it concentrated in the hands of some, to the exclusion of others, the gifts of God originally belonging to all. We believe that we have completely dispelled this doubt by proving that what was, by decree of Providence, common to all, remains common in the course of all human transactions, since the domain of private property can never extend beyond the limits of value,



beyond the rights laboriously acquired through services rendered.

And, when it is expressed in these terms, who can deny the right to private property?

While Bastiat appeared sanguine about what was going on around him, he understood that the reigning political-economic system indeed enabled the illegitimate privatization of what in a free market would have gone into the communal realm. “Of course, I know that in practice the ideal principle of property is far from having full sway,” he wrote. “Against it are conflicting factors: there are services that are not voluntary, whose remuneration is not arrived at by free bargaining; there are services whose equivalence is impaired by force or fraud; in a word, plunder exists.” Bastiat, who coined the phrase “legal plunder,” of course had the state in mind as the chief culprit.

Why is Bastiat’s distinctive framing of the case for the free market worthwhile? Because there is, I believe, an untapped potential constituency for radical libertarian ideas among people who have an aversion to free markets only because they mistakenly believe “free market” means corporatism and illegitimate gains. Before these people can be persuaded by libertarian arguments, we must get their attention, and the best way to do that is to present the free market as a process that embodies social cooperation and, à la Bastiat, the “socialization” of wealth. Δ

Notes:

[1] <http://tinyurl.com/lfg2gqw>

[2] Actual statistics:

<http://www.amazon.com/exec/obidos/ASIN/0465047831>

[3] http://www.cooperativeindividualism.org/hayek-friedrich-von_economics-and-knowledge-1936.html

[4] http://www.fee.org/the_freeman/detail/value-cost-marginal-utility-and-bhm-bawerk

[5] http://www.fee.org/the_freeman/detail/the-importance-of-subjectivism-in-economics



Who Owns the Benefit? The Free Market As Full Communism

Kevin A. Carson

[12 September 2012, C4SS]

There’s a wonderful phrase for how capitalism works in the real world (I’m not sure who first came up with it, but I associate it with Noam Chomsky): “The socialization of risk and cost, and the privatization of profit.”

That’s a pretty good description of what the state does under actually existing capitalism, as opposed to the free market. Just about everything we identify as problematic about corporate capitalism – the exploitation of labor, pollution, waste and planned obsolescence, environmental devastation, the stripping of resources – results from the socialization of cost and risk and the privatization of profit.

Why haven’t the cybernetic revolution and the vast increases in productivity from technological progress resulted in fifteen-hour work weeks, or many necessities of life becoming too cheap to meter? The answer is that economic progress is enclosed as a source of rent and profit.

The natural effect of unfettered market competition is socialism. For a short time the innovator receives a large profit, as a reward for being first to the market. Then, as competitors adopt the innovation, competition drives these profits down to zero and the price gravitates toward the new, lower cost of production made possible by this innovation (that price including, of course, the cost of the producer’s maintenance and the amortization of her capital outlays). So in a free market, the cost savings in labor required to produce any given commodity would quickly be socialized in the form of reduced labor cost to purchase it.

Only when the state enforces artificial scarcities, artificial property rights, and barriers to competition, is it possible for a capitalist to appropriate some part of the cost savings as a permanent rent. The capitalist, under these conditions, is enabled to engage in monopoly pricing. That is, rather than being forced by competition to price her goods at the actual cost of production (including her own livelihood), she can target the price to the consumer’s ability to pay.

That form of enclosure, via “intellectual property,” is why Nike can pay a sweatshop owner a few bucks for a pair of sneakers and then mark them up to \$200. Most of what you pay for isn’t the actual cost of labor and materials, but the trademark.

The same is true of artificial scarcity of land and capital. As David Ricardo and Henry George observed, there is some rental accruing on the natural scarcity of land as a non-reproducible good. There’s considerable disagreement among Georgists, mutualist occupancy-and-use advocates, and other libertarians as to whether and how to remedy those natural scarcity rents. But artificial scarcity, based on the private enclosure and holding out of use of vacant and unimproved land, or on quasi-feudal landlord rights to extract rent from the rightful owners actually cultivating arable land, is an enormous source of illegitimate rent – arguably the major share of total land rent. And regardless of any other steps we may be advocate, principled libertarians are all in favor of abolishing this artificial scarcity and – at the very least – letting market competition from vacant land drive down land rent to its natural scarcity value.

We favor, as well, opening up the supply of credit to unfettered market competition, abolishing entry barriers for the creation of cooperative lending institutions, and abolishing legal tender laws of all kinds, so that market competition will eliminate a major portion of total interest on money.

But while demanding the socialization of rent and profit may be frowned upon by capitalists as “class warfare,” they’re totally OK with the socialization of their operating costs. The main reason modern production is so centralized and both firms and market areas are so large, is that the state has subsidized transportation infrastructure at the expense of the general public, and made it artificially cheap to ship goods long distance. This makes large-scale, inefficient producers artificially competitive against small-scale producers in the local markets they invade with the state’s help. That’s why we have giant retail chains driving local retailers out of business, using their own internalized “warehouses on wheels” wholesale operations to distribute goods manufactured by sweatshops in China.



The past forty years’ loss of biodiversity, deforestation, and CO2 pollution has occurred because the ecosystem as a whole is an unowned dump, rather than being a regulated commons. The state typically preempts “ownership” of forests, mineral deposits, etc. – often to the prejudice of indigenous peoples already inhabiting the areas – and then gives privileged access to extractive industries that are able to strip mine them of resources without internalizing the actual costs incurred.

As surprising as it might seem, there’s a strong parallel between this free market vision of abundance and the Marxist vision of full communism. Carl Menger wrote of economic goods (i.e., goods subject to economic calculation because of their scarcity) becoming non-economic goods (i.e., that their abundance and near-zero production cost would make the cost of accounting greater than the production cost, if any). This parallels a major strain of thinking among socialists in the free culture/open source/P2P movement. They see the communist mode of production practiced by Linux and other open-source developers as the kernel of a new post-capitalist, post-scarcity social formation. Much as capitalist production started out in tiny islands inside the larger feudal economy and later became the core of a new, dominant social formation, commons-based peer production is the core around which the post-capitalist economy will eventually crystallize.

And we free marketers are also information communists. We want the benefits of knowledge and technique to be fully socialized. The largest single share of profit under the current model of corporate capitalism is embedded rents on the artificial scarcity of knowledge and technique.

In a society where waste and planned obsolescence were no longer subsidized, and there were no barriers to competition socializing the full benefits of technological progress, we could probably enjoy our present quality of life with a fifteen-hour work week. And in a society where the dominant mode of production was craft production with cheap, general-purpose CNC machine tools (as Kropotkin anticipated over a century ago in *Fields, Factories and Workshops*), the division of labor and the dichotomy between mental and physical labor would be far less pronounced.

Taken together, these two outcomes of free market competition in socializing progress would result in a society resembling not the anarcho-capitalist vision of a world owned by the Koch brothers and Halliburton, so much as Marx's vision of a communist society of abundance in which one may "do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticise after dinner, just as I have a mind, without ever becoming hunter, fisherman, herdsman or critic." Δ

Revolutionary Road

Roderick T. Long

[Libertopia Underground, 28 September 2012]

There's a popular way of drawing the distinction between electoral politics and revolutionary politics that I think gets things almost precisely backward.

According to this way of thinking, electoral politics represents a peaceful, conversational way of settling disputes, whereas revolution represents an abandonment of persuasion in favour of violence.

According to the Greek orator Lysias, for example, singing the praises of Athenian democracy, it was "the way of wild beasts to be forcibly subjected to one another, but the way of human beings to define justice by law and to persuade by reasoned discourse" – where by "reasoned discourse" he meant the debates in the assembly that culminated in laws, decrees, and declarations of war.

Now certainly states that feature parliamentary debate are generally preferable to states where, say, a single dictator has sole decision-making power. All the same, a conversation that is going to culminate in a vote, where the result of that vote will be imposed by force of law on the dissenters (as well as on others who, whether by choice or by necessity, have not even participated in the vote), can hardly be a process of the same nature as a normal – I'm tempted to say a civilised – conversation.

Under ordinary circumstances, if we're planning an evening out and discussing what movie to see, it's

understood that if we cannot reach agreement on a particular film there is always the possibility of cancelling our plans and heading off to separate movies. The possibility that, in the event that consensus is not achieved, one of us might simply *compel* the other, by force or the threat thereof, to go to a particular movie is simply not contemplated. Discourse and persuasion in the legislative arena, by contrast, take place under the shadow of the truncheon and the gun; these conversations have a *winner*, and the losers are conscripted into the winners' projects. The whole process of discussion has as its aim and presupposition the externalisation of the costs, and internalisation of the benefits, of the winners' favoured schemes. Legislation – at least the kind of legislation practised by states – is not an *alternative* to violence but is rather a *mode* of violence. Those who favour persuasion over coercion should be seeking to reduce or eliminate it, not to glorify it.

Nor is violence an accidental feature of the state's way of doing things. It is essential to states that they compel dissenters to go along with their projects; if they ceased to do this they would become mere wholesome voluntary associations, without the monopoly power that characterises the state as such.

And what of revolution? People tend to think of



revolution as inherently violent. But unlike states, revolutions do not require violence. Revolutions in history as we know it generally *have* been violent (which is partly why I included the qualifier "almost" in my first sentence above). But that is because revolutions have

generally had the *same goal* as conventional electoral/legislative politics: taking over the state and using its power to impose a new order on the dissenting.

But there's another model for revolution, one aimed not at *capturing* or *co-opting* the instrumentality of centralised power but rather at *bypassing* and *undercutting* it.

The state, after all, is just a particular (pathological) pattern of social activity, one constituted and sustained by the actions not only of the rulers but, crucially, of the ruled. The libertarian revolution is the only kind of revolution that *doesn't by its nature require violence*, since it doesn't need to take over the reins of power (either by electoral or

insurrectionary means). Such a revolution can be nonviolent because it proceeds by building alternative institutions and gradually winning more and more people's allegiance (if that's not too statey a word) to those institutions. The pillars that uphold the state are, like Soylent Green, made of people; when the people walk away to form new patterns, the pillars dissolve and the state crumbles. No need to storm the barricades; just cease to prop them up.

By contrast with the all-or-nothing character of conventional political reform, where proposals have to be approved by 51% of the voters (or by 51% of a bunch of politicians elected by 51% of the voters) in order to be implemented, the libertarian revolution spreads incrementally, the way new products do – a few customers at a time. The revolution is complete when those still participating in the state's institutions and practices are too few to cause any trouble to the rest of us. In Paul Goodman's words: "A free society cannot be the substitution of a 'new order' for the old order; it is the extension of spheres of free action until they make up most of social life."

Join the revolution! Δ

Molinari News Notes

- Gary Chartier was added to the Molinari Institute's Board of Directors in April 2013. Gary is Professor of Law and Business Ethics and Associate Dean of the Tom and Vi Zapara School of Business at La Sierra University in Riverside, California; author of *Economic Justice and Natural Law*, *The Conscience of an Anarchist*, and *Anarchy and Legal Order: Law and Politics for a Stateless Society*; and co-editor with Charles W. Johnson of *Markets Not Capitalism: Individualist Anarchism Against Bosses, Inequality, Corporate Power, and Structural Poverty*. He joins philosophers Roderick T. Long, Charles W. Johnson, and Jennifer McKittrick on the board.



- The Center for a Stateless Society website (c4ss.org) was completely and beautifully redesigned in May. Thank you, William Gillis!

- Roderick and Gary participated in a month-long online discussion with David M. Hart, David D.

Friedman, and Matt Zwolinski, hosted by Liberty Fund, on the subject of Gustave de Molinari and his legacy for liberty. Read the whole thing here: <http://tinyurl.com/ct7pqws>

- Molinari/C4SS personnel have been travelling far and wide to spread their message of lawless subversion, including: Charles Johnson and Roderick for a Molinari Society session on anarchism with Matthew Quest and Nina Brewer-Davis at the Eastern APA (American Philosophical Association) in Atlanta in December; Roderick to Hanover College in Indiana to lecture on free-market radical leftism in March; Gary and Roderick for a Molinari Society session on Gary's book *Anarchy and Legal Order* with Eric Roark at the Pacific APA in San Francisco, also in March; and Ross Kenyon, Charles, and Roderick for a panel on free-market anti-capitalism with Patrick Lynch at the APEE conference in Maui in April.



- Roderick also recently returned from Istanbul, where he lectured on the topic "Free Markets and Private Property: The Road to Social Justice?" at Istanbul Bilgi University, under the auspices of the Department of International Relations and the libertarian student group 3H Hareketi. The day after he left, the Gezi Park protests began. So, mission accomplished!

- The Molinari Institute also plans a presence at Libertopia in San Diego over Labor Day. Interested in helping to make this possible? Check out our special fundraiser: <http://tinyurl.com/leqp4as>

- And expect Molinari Society panels at the Eastern APA this December (Baltimore) and at the Pacific APA next April (San Diego again). Δ

Information for Authors

We solicit submissions of any length, from a bloggish paragraph to a sprawling multipart essay. Articles published will also be made available online. Submission of work for publication in *The Industrial Radical* constitutes agreement to make such work available under the terms of *copyleft* (see below). Previously published submissions are welcome so long as they may be reprinted consistently with our copyright policy. (Artwork also welcome! Likewise letters!)

Topics to be explored include: radical libertarian alternatives to statism, militarism, and intellectual property; the social and cultural requirements of a free and flourishing society; the structure of work, family, and property relationships in such a society; strategies for getting from here to there; and the possibility of “gains from trade” between the left/socialist and right/capitalist traditions within libertarianism. For further possible topics see: praxeology.net/industrial-radical.htm

The Industrial Radical does not impose a party line; we welcome discussion and vigorous debate from all quarters, and in particular from other anarchists and radical libertarians from the left and from the right.

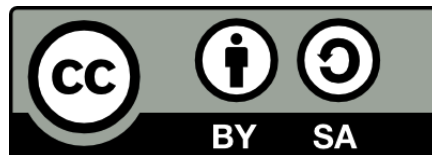
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Send submissions to: iradical@praxeology.net

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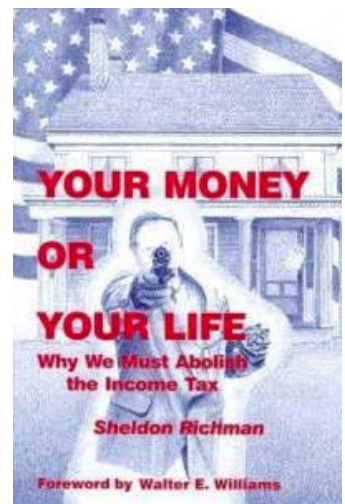
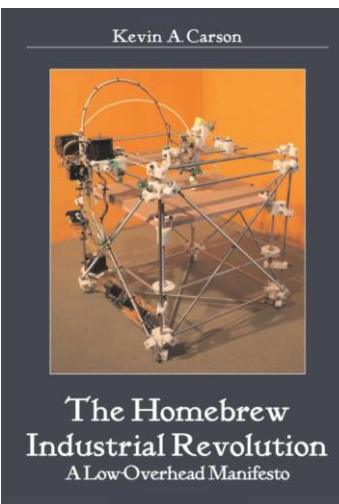
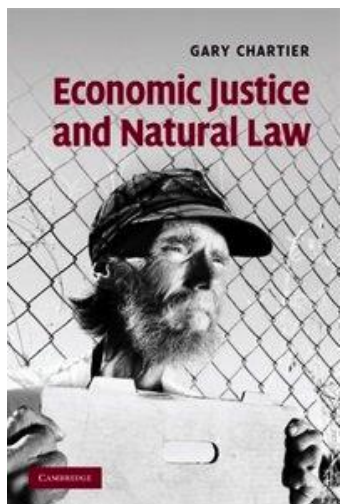
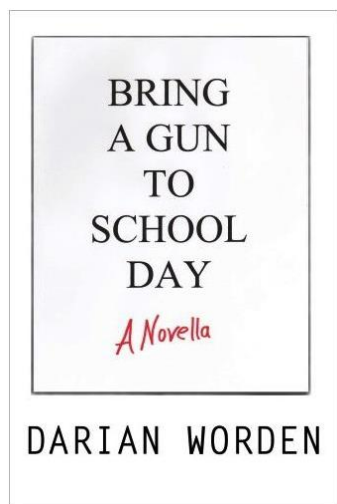
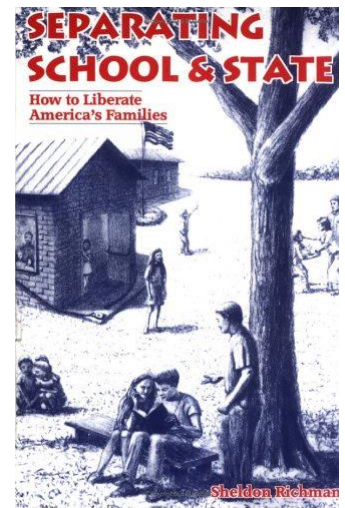
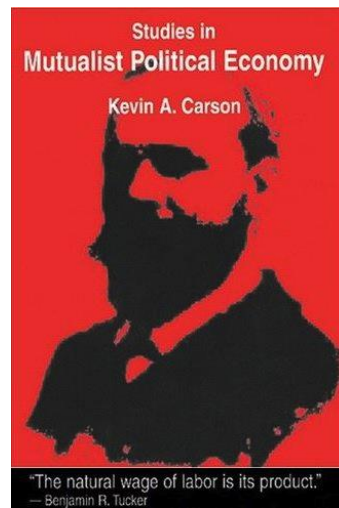
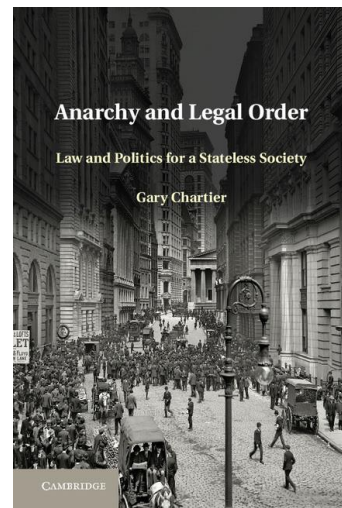
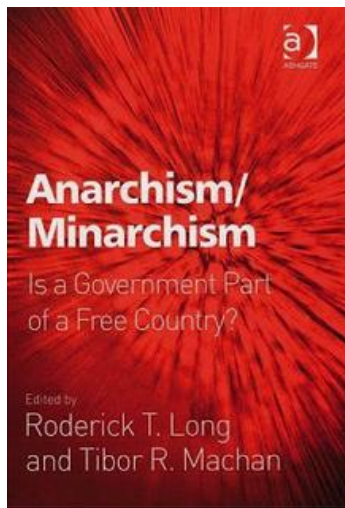
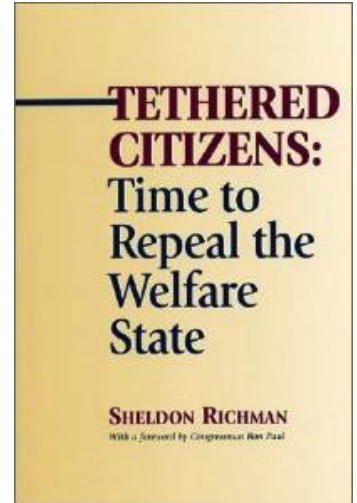
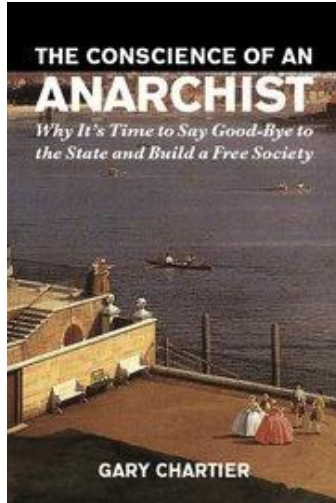
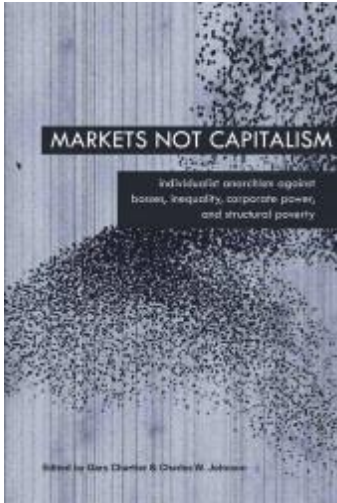


Molinari Institute: praxeology.net/molinari.htm

Center for a Stateless Society: c4ss.org

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