
FUTURE OF FREEDOM

VOLUME 32 | NUMBER 7

JULY 2021

*Good actions ennoble us, and we are the sons of
our own deeds.*

— *Miguel de Cervantes*

FUTURE OF FREEDOM

★★★

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

Believing in the power of ideas on liberty to shift the course of society toward freedom, our methodology is based on sharing sound principles of liberty with others.

- Our monthly journal, *Future of Freedom*, contains timeless and uncompromising essays on liberty. The price is \$25 for a one-year print subscription, \$15 for the email version.
- Our FFF Daily, which is free for the asking, provides hard-hitting commentary on current events.
- Our Libertarian Angle weekly Internet video show provides viewers with libertarian perspectives on the burning issues of the day.
- Our website, fff.org, contains all the articles and videos we have published since our inception in 1989.

The Foundation neither solicits nor accepts government grants. Our operations are funded primarily by donations from our supporters, which are invited in any amount.

★★★

© Copyright 2021. *The Future of Freedom Foundation. All rights reserved.*
Please send reprint requests to The Foundation.

The Future of Freedom Foundation

11350 Random Hills Road

Suite 800

Fairfax, VA 22030

...

www.fff.org · fff@fff.org

...

703-934-6101

<i>Healthcare Whack-a-Mole</i>	2
Jacob G. Hornberger	
<i>Ambrose Bierce's Pro-Freedom Cynicism</i>	8
James Bovard	
<i>Should There Be Equal Pay for Equal Work?</i>	14
Laurence M. Vance	
<i>Modern Collectivist Trends and How to Resist Them</i>	24
Richard M. Ebeling	
<i>Frank Chodorov's Peaceful, Persistent Revolution, Part 2</i>	35
Wendy McElroy	

Healthcare Whack-a-Mole

by *Jacob G. Hornberger*



Throughout the COVID-19 pandemic, a number of libertarians and conservatives have played an extensive game of Whack-a-Mole. That's the Japanese game in which plastic moles pop up at random on a board and a person whacks each mole as it appears. In Healthcare Whack-a-Mole, governmental assaults on liberty have continuously popped up during the course of the pandemic. As each one has popped up, some libertarians and conservatives have expended a large amount of time and effort whacking each assault as it has popped up.

Mandatory mask mandates? Bam! Whack it! "Government has no legitimate authority to tell me whether I have to wear a mask! Anyway, masks don't do any good.

They can actually be quite harmful. I'll decide whether to wear a mask."

Mandatory closure of businesses? Bam! Whack it! "Government can't tell businesses whether to shut down or not, at least not in what purports to be a free society. Private businesses have the right to operate freely without governmental restraint."

Mandatory masks in private businesses? Bam! Whack it! "Government has no business telling private firms how to operate their businesses."

Vaccine passports? Bam! Whack it! "Why should anyone be required to get a vaccine passport? If people don't want to get vaccinated, that's their business."

The thing to keep in mind in all this is that Healthcare Whack-a-Mole is endless. Public officials will always figure out new and different ways to assault liberty in the name of keeping people "safe." There will always be new liberty infringement moles popping up for libertarians and conservatives to whack.

There is also an endless stream of things for libertarian and conservative critics to complain about with respect to how the government is managing the pandemic. For example, at the start of the pandemic there was an insufficient

number of face masks. In fact, public officials were issuing conflicting messages on whether or not masks helped to prevent the spread of the virus. There was a severe shortage of hand sanitizer. There were various travel restrictions but no consistency to the regulations. When public officials took control over the distribution of vaccines, the resulting mess provided libertarians and conservatives something else to criticize.

That necessarily means a repeal of two of America's most popular socialist programs — Medicare and Medicaid.

None of this is to suggest that it isn't important to whack these healthcare moles whenever they appear. It's good that people devote their time and energy doing so.

That said, whacking these healthcare moles is not freedom. If we are to achieve liberty, we must never let these types of crises — and the Whack-a-Mole game that comes with them — distract us from our ultimate goal, which is a genuinely free society.

That necessarily means that we have to keep our visions high, especially in the midst of crises, when it is so easy to forget what we are

fighting for. If we don't raise our visions high, we will end up playing Healthcare Whack-a-Mole forever and never achieve freedom.

Separate healthcare from the state

What does that higher vision entail with respect to Healthcare Whack-a-Mole? It entails ending all government involvement in health care — a complete separation of healthcare and the state, just as our ancestors separated church and state. Once government is removed from healthcare entirely, there won't be any more healthcare moles to whack.

That means no more U.S. Department of Health and Human Services, no more Centers for Disease Control, no more FDA, no more DEA, no more National Institute of Allergy and Infectious Diseases, or any other federal agency that concerns itself with healthcare. It also means no more federal regulations, federal supervision, or federal monitoring of healthcare matters. An absolute end of all governmental involvement in healthcare.

That also necessarily means a repeal of two of America's most popular socialist programs — Medicare and Medicaid. That would actually be a good thing, not only with re-

spect to liberty but also with respect to healthcare. Before the enactment of these two programs, America had the finest healthcare system in history, one in which the quality of healthcare was soaring and in which healthcare costs were low and stable. Hardly anyone had major medical insurance because people didn't need it. Physicians loved what they did in life. They and hospitals were handling the healthcare needs of the poor on a purely voluntary basis.

And then came Medicare and Medicaid, which destroyed that finest healthcare system in history. Healthcare costs began soaring. People now needed to buy health insurance. Today, those who cannot afford the ever-increasing cost of medical insurance are being bankrupted by ever-rising healthcare costs.

The ideal would be a constitutional amendment that separates healthcare and the state at both the federal and the state level. It could read as follows: "No law shall be enacted, either at the national or state level, respecting the regulation or providing of healthcare or abridging the free exercise thereof."

The COVID-19 pandemic was a healthcare crisis. It should never have been a political crisis. If there

had been a separation of healthcare and the state, no one would have looked to public officials to address it. Instead, everyone would have looked to the healthcare industry for leadership and guidance to confront this natural disaster. The healthcare industry would have issued guidelines for dealing with the crisis — masks, treatments, hand sanitizer, travel, business operations, and medicines — and everyone would have made his own decision accordingly.

Everyone would have looked to the healthcare industry for leadership and guidance to confront this natural disaster.

The entire matter would have been depoliticized. Moreover, the free market would have quickly ensured a plentiful supply of masks, hand sanitizer, ventilators, vaccines, treatments, and other such things. Vaccine distribution would have been much quicker and efficient.

The problem, of course, is that we have all been born and raised under a system in which government is tasked with the job of providing, controlling, supervising, regulating, and monitoring healthcare. That makes it difficult for people to think at a higher level, one

that entails the separation of health-care and state. It also makes it easier for people to keep the system intact, no matter how bad things get, and simply continue to play Healthcare Whack-a-Mole.

A hypothetical worth pondering

Let's assume that the Constitution authorized the federal government to provide, control, and regulate religion and that the First Amendment and Fourteenth Amendments had never been enacted.

We can safely assume that today religion would be an absolute mess and that there would be countless religion moles for people to whack. There would be, of course, a U.S. Department of Religion, which would set standards and guidelines for churches to follow. There would also be millions of dollars doled out to churches in the form of religion grants, especially during election years.

At the state and local level, mandatory-attendance laws would require everyone to send his children to church every Sunday. There would be a combination of public churches and private churches. There would be a voucher program to help poorer children attend private church. Bibles would have

to be approved by the state. Each church district would vote on whether to use Protestant or Catholic Bibles — or perhaps, depending on the electorate in each district, the Koran or the Book of Mormon.

Everything would be politicized. Fights would break out over dress codes for church, homework assignments, the required time in church, the sermons, and how the church revenues were being spent.

Kids would end up hating to go to church. Some of them would end up hating God.

Once the Constitution separated church and state in that way, there would be no more religion moles to whack.

What would be the solution to this religion mess? Undoubtedly, there would be some libertarians and conservatives who would devote their time and efforts to whacking each religion mole as it popped up.

That might help to alleviate the mess, but it wouldn't be freedom. Freedom necessarily would involve separating religion and the state, as the First and Fourteenth Amendments do.

A higher vision for healthcare

Some people might claim that the separation of healthcare and the state are impossible to achieve and that we should just resign ourselves to spending our lives playing healthcare Whack-a-Mole.

But why isn't healthcare freedom achievable? If our ancestors could achieve the separation of church and state, why can't we build on what they accomplished by separating healthcare and the state? Of course, it's a difficult challenge. Government management and control of healthcare has long been a deeply ingrained part of our lives. But difficult doesn't mean impossible.

What we need is a critical mass of people who decide that enough is enough — people who are sick and tired of the perpetual crisis in healthcare and who recognize that freedom necessarily entails the separation of healthcare and the state. Once that critical mass of people is reached, a paradigm shift will take place toward healthcare freedom.

It goes without saying that this is what we need to do to achieve freedom in other parts of our lives. Rather than engage in endless debates on how to reform and fix the public school system, freedom necessitates a separation of school and

state, just as our ancestors separated church and state. The same applies to economic activity — a genuine free-enterprise or free-market economic system, which is essential to freedom, requires a separation of economy and state — i.e., the end of governmental involvement in economic activity.

To reach a critical mass of people who understand freedom and want it, it is necessary for libertarians to lift people's vision to a higher level — to the level of what freedom necessarily entails. Usually people have to hear an idea first and begin considering it before they come to accept it. That's why it's imperative for libertarians to not just play Whack-a-Mole but, more important, to constantly raise people's vision to a higher level — to the level of what genuine liberty actually is.

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

NEXT MONTH:
**“Raising a Standard to
Achieve Liberty”**
by Jacob G. Hornberger

Whoever fairly faces the question must admit that the same set of arguments which condemns a national religion also condemns a national system of education. It is hard to pronounce sentence on the one and absolve the other. Does a national church compel some to support a system to which they are opposed? So does a national system of education. Does the one exalt the principle of majorities over the individual conscience? So does the other. Does a national church imply a distrust of the people, of their willingness to make sacrifices, of their capacity to manage their own affairs? So does a national system of education. Does the one chill and repress higher meanings and produce formalism? So does the other.

— Auberon Herbert

Ambrose Bierce's Pro-Freedom Cynicism

by James Bovard



The friends of freedom must recognize the verbal charades that sway people to surrender their rights and liberties. The political establishment and its media allies are continually abusing the English language to lull people into submission.

From pupils being required to recite the Pledge of Allegiance at the start of each school day to adults being endlessly hectored to vote, Americans are injected with demands for obedience almost from womb to tomb. It is not enough to obey: Americans are supposedly obliged to view the current regime as the incarnation of “the will of the people.”

Journalist and author Ambrose Bierce offered a barrage of antidotes

to this servile claptrap. Many people are familiar with Bierce’s definition of cynic — “a blackguard whose faulty vision sees things as they are, not as they ought to be.” But Bierce’s writing had a much sharper political edge than is usually recognized nowadays.

H.L. Mencken commented that Ambrose Bierce was the “one genuine wit” that America had produced as of the early 1900s. Mencken summarized Bierce’s career:

Doomed to live in a country in which, by God’s will, honesty is rare and courage is still rarer and honor is almost unknown.... he fell upon the mountebanks, great and small, in a Berserker fury, thus to sooth and secure his own integrity. That integrity, as far as I can make out, was never betrayed by compromise. Right or wrong, he always stuck to the truth as he saw it.

A berserker of truth

Few American writers have punctured more political pretenses than Ambrose Bierce. Bierce was a Union officer in the Civil War and almost died from his wounds at the Battle of Kennesaw Mountain in

1864. His short stories offered a joltingly realistic view of the pervasive death and folly in almost every battle.

Bierce's biggest contribution to starkly perceiving political reality was *The Devil's Dictionary*, first published in 1911. Mencken said that book contained "some of the most devastating epigrams ever written." Bierce offered plenty of piercing insights that can be profitably studied by today's friends of freedom.

Bierce defined "politics" as "a strife of interests masquerading as a contest of principles."

Bierce defined "politics" as "a strife of interests masquerading as a contest of principles. The conduct of public affairs for private advantage." His definition of "politician" was more scathing: "An eel in the fundamental mud upon which the superstructure of organized society is reared.... As compared with the statesman, he suffers the disadvantage of being alive." He defined "sorcery" as "the ancient prototype and forerunner of political influence." Similarly, he defined "degradation" as "one of the stages of moral and social progress from private station to political preferment."

Bierce's definition of "freedom" was sounder than that offered by most political philosophers: "Exemption from the stress of authority in a beggarly half dozen of restraint's infinite multitude of methods." Bierce followed that definition with a brief poem:

Freedom screams whenever
monarchs meet,
And parliaments as well,
To bind the chains about her
feet
And toll her knell.

And when the sovereign people
cast
The votes they cannot spell,
Upon the pestilential blast
Her clamors swell.

For all to whom the power's
given
To sway or to compel,
Among themselves apportion
Heaven
And give Freedom Hell.

Bierce failed to swoon for the tub-thumping for democracy that was sweeping America in his time. See, for instance, his definition of "vote": "The instrument and symbol of a freeman's power to make a fool of himself and a wreck of his

country.” Bierce defined “referendum”: “A law for submission of proposed legislation to a popular vote to learn the nonsensus of public opinion.” In his definition of “multitude,” he commented, “A multitude is as wise as its wisest member if it obey him; if not, it is no wiser than its most foolish.” He defined “rabble”: “In a republic, those who exercise a supreme authority tempered by fraudulent elections.” Luckily, we don’t have to worry about that happening nowadays in the United States.

Bierce had as much if not more contempt for monarchy. “Prerogative” was merely “a sovereign’s right to do wrong.” In his definition of “absolute,” he observed, “An absolute monarchy is one in which the sovereign does as he pleases so long as he pleases the assassins.” That parallels his definition of “abdication”: “An act whereby a sovereign attests his sense of the high temperature of the throne.”

In the late 1800s and early 1900s, during Bierce’s heyday as a journalist, protectionism was ascendant, and politicians perpetually lied about the benefits of closing America off from the world with high tariffs. Bierce provided one of the best definitions of a “tariff”: “A scale of taxes on imports, designed

to protect the domestic producer against the greed of his consumer.” He complimented that with an apt definition of “harbor”: “A place where ships taking shelter from stores are exposed to the fury of the customs.”

Having almost died in a war spurred by the secession of southern states, Bierce had a jaded view of the animosity spurred by artificial demarcations. He defined “boundary”: “In political geography, an imaginary line between two nations, separating the imaginary rights of one from the imaginary rights of the other.” To comprehend the potential mischief of such lines, check his definition of “cannon”: “An instrument employed in the rectification of national boundaries.”

“A multitude is as wise as its wisest member if it obey him; if not, it is no wiser than its most foolish.”

Bierce saw many fellow soldiers perish pointlessly due to the follies of ambitious or half-witted generals. Perhaps that spurred his definition of “patriotism”: “Combustible rubbish ready to the torch of any one ambitious to illuminate his name.” That was on par with his definition of “flag”: “A colored rag

borne above troops and hoisted on forts and ships. It appears to serve the same purpose as certain signs that one sees on vacant lots in London — ‘Rubbish may be shot here.’” The same sentiment echoes in his definition of “history”: “An account, mostly false, of events, mostly unimportant, which are brought about by rulers, mostly knaves, and soldiers, mostly fools.”

Bierce recognized the arbitrariness of political legitimacy. He defined “rebel”: “A proponent of a new misrule who has failed to establish it.” That echoes the judgment of Napoleon, who declared, “Treason is a matter of dates.”

**Bierce recognized the
arbitrariness of political
legitimacy.**

Bierce saw through the sentimental claptrap that afflicts many commentators on public affairs. He defined “lawful”: “Compatible with the will of a judge having jurisdiction.” And then there was his definition of “lawyer”: “One skilled in circumvention of the law.” Close by was his definition of “liar”: “a lawyer with a roving commission.” Perhaps even better was his definition of “trial”: “A formal inquiry designed to prove and put upon record the

blameless characters of judges, advocates and jurors.” His skepticism extended to policemen’s nightsticks, as he defined “arrest”: “formally to detain one accused of unusualness.” But he had no blind faith in some of the usual remedies, defining “habeas corpus” as “a right by which a man may be taken out of jail when confined for the wrong crime.”

Bierce penetrated the prevailing bosh on foreign relations with his definition of “ultimatum”: “In diplomacy, a last demand before resorting to concessions.” He nailed “alliance”: “In international politics, the union of two thieves who have their hands so deeply inserted in each other’s pocket that they cannot separately plunder a third.” His definition of “consul” reverberates in our time with all the ambassadors who have bought their posts with lavish campaign contributions: “In American politics, a person who having failed to secure an office from the people is given one by the Administration on condition that he leave the country.”

Bierce lived at a time when governments were beginning to demand that people “show their papers.” He defined “passport”: “A document treacherously inflicted upon a citizen going abroad, exposing him as an alien and pointing

him out for special reprobation and outrage.”

For a surefire gauge to understand foreign conflicts, see Bierce's definition of “peace”: “In international affairs, a period of cheating between two periods of fighting.” Bierce died before the First World War, but his epigram could have provided a lodestar for the villainy of that era.

Andrew Ferguson noted that Bierce's “one abiding principle was a horror of socialism.”

Bierce disdained most political activists. He defined “conservative” as “a statesman who is enamored of existing evils, as distinguished from the Liberal, who wishes to replace them with others.” Bierce did vehemently attack the robber barons who were afflicting the nation with crony capitalism in his time.

As excellent profile by journalist Andrew Ferguson noted that Bierce's “one abiding principle was a horror of socialism. Capitalism alone could accommodate human striving and ambition.” Bierce defined “grapeshot” as “an argument which the future is preparing in answer to the demands of American Socialism.” In his 1910 pamphlet, “The Socialist — What He Is, and

Why,” Bierce declared, “the [socialist] ‘movement’ as a social and political force is, in this country, born of envy, the true purpose of its activities, revenge. In the shadow of our national prosperity it whets its knife for the throats of the prosperous. It unleashes the hounds of hate upon the track of success.”

Bierce saved some of his tartest comments for his own profession. He defined “reporter”: “A writer who guesses his way to the truth and dispels it with a tempest of words.” Bierce spent many years as a newspaper editor in San Francisco, spurring this definition of “editor”: “A person who is a severely virtuous censor, but so charitable withal that he tolerates the virtues of others and the vices of himself; who flings about him the splintering lightning and sturdy thunders of admonition till he resembles a bunch of firecrackers petulantly uttering his mind at the tail of a dog.” His definition of “proof-reader” will warm the heart of many writers whose copy has been mangled beyond recognition: “A malefactor who atones for making your writing nonsense by permitting the compositor to make it unintelligible.”

Bierce offered many superb one liners on other topics. Here are a few of his best:

“Positive, adj. Mistaken at the top of one’s voice.

“Hurry, n. The dispatch of bunglers.

“Impiety, n. Your irreverence to my deity.

“Zeal, n. A passion that goeth before a sprawl.

“Truthful, adj. Dumb and illiterate.

“Rum, n. Generically, fiery liquors that produce madness in total abstainers.

“Ghost, n. The outward and visible sign of an inward fear.

“Prophecy, n. The art and practice of selling one’s credibility for future delivery.

“Patience, n. A minor form of despair, disguised as a virtue.

“Saint, n. A dead sinner revised and edited.

“Self-evident, adj. Evident to one’s self and to nobody else.

“Urbanity, n. The kind of civility that urban observers ascribe to dwellers in all cities but New York.

Apparently, New Yorkers had a dubious reputation even a hundred years ago.

Freedom fighters need all the comic relief they can find. The laughs that Bierce delivers are combined with lines that pierce perpetual political frauds now more than ever.

Note: Bierce’s Devil’s Dictionary is available for free at this link: <https://www.gutenberg.org/files/972/972-h/972-h.htm>.

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

NEXT MONTH:
“Red Light Robberies
Across America”
by James Bovard

“Is There a
VAT in Our Future?”
by Laurence M. Vance

Should There Be Equal Pay for Equal Work?

by Laurence M. Vance



Although I rarely watch cable television, I happened to tune in to an episode of *Mysteries at the Museum* on the Travel Channel the other day. The segment I saw was about Mary Elizabeth “Lizzie” Murphy (1894–1964), the first female professional baseball player. The diminutive first baseman from Warren, Rhode Island, who was known professionally as Spike Murphy, billed herself as the “Queen of Baseball.” She was a very athletic teenager who played multiple sports, but fell in love with baseball. She played on both men’s and women’s teams.

What piqued my interest was the story within the story of how Murphy demanded that she be paid as the men. According to the New England Historical Society:

In those days, the teams would pass a hat through the crowd and collect up donations that the team would divide up among the players. After her first game, the story goes, the manager didn’t pay Lizzie Murphy a share. For the next weekend, he spread the word far and wide that he was bringing his girl ballplayer to Newport. The unusual presence of a girl playing with the boys would be quite a draw. Just before the game, though, Lizzie told him what professional athletes have always said: No pay, no play. Lizzie Murphy got her share, and a bonus for every game she appeared in.

I don’t know how many games or for how long Murphy actually played before she demanded to be paid. Obviously, she initially had no qualms about playing for free. Perhaps that was the only way she was allowed to play on a men’s team. But regardless of her motive, what came to mind while watching this segment was the slogan “equal pay for equal work” that we have heard for many years now.

It is my contention that “equal pay for equal work” is an empty slogan used for nefarious purposes

that should take its place along side of other slogans similarly abused like “if you see something, say something;” “public safety;” “public health;” “national security;” “support the troops;” “wear a mask, save a life;” “war on terror;” “shop smart, stay six feet apart;” “unessential businesses;” “flatten the curve;” “social distancing;” “we are all in this together;” “just say no to drugs;” “crime doesn’t pay;” “reuse, reduce, recycle;” “carbon footprint;” “save the planet;” “green energy;” “gateway drug;” “climate change;” “it’s the law;” “democracy;” “diversity is strength;” “new and improved;” “eco-friendly;” and, of course, “from each according to his ability, to each according to his needs.”

Equal Pay Act

Before World War II, women accounted for less than 24 percent of the civilian workforce. The percentage of women in the workforce rose during World War II because so many men were drafted and sent overseas to fight the “good war.” In 1942, the National War Labor Board issued General Order No. 16. It referred to the principles of “proportionate rates for proportionate work” and “equal pay for equal work” that was of “comparable quality and quantity.” After falling in the

years after the war ended, the percentage of women in the workforce rose to about 37 percent by 1960. Attempts in Congress to pass “equal pay” bills in the 1950s failed to gain enough interest.

Many business groups opposed such legislation because they believed that women were more expensive to employ.

And then came President John F. Kennedy. He appointed Esther Peterson (1906–1997) as assistant secretary of labor and director of the United States Women’s Bureau and former First Lady Eleanor Roosevelt (1884–1962) as the chair of Kennedy’s Presidential Commission on the Status of Women. Both women were vocal supporters of legislation ensuring equal pay for women.

Many business groups — including the U.S. Chamber of Commerce and the National Retail Merchants Association — opposed such legislation because they believed that women were more expensive to employ, due to their higher rates of turnover and absenteeism from the workforce to bear and raise children, and because they believed this to be the purview of the states, not the federal government.

On June 10, 1963, Kennedy signed into law the Equal Pay Act. It amended the Fair Labor Standards Act of 1938 “to prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce.” The Equal Pay Act mandated that:

No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex.

Kennedy said upon signing the bill into law:

I am delighted today to approve the Equal Pay Act of 1963, which prohibits arbitrary discrimination against women in the payment of wages. This Act represents many years of effort by labor, management, and several private organizations unassociated with labor or management, to call attention to the unconscionable practice of paying female employees less wages than male employees for the same job.

He went on to state: “While much remains to be done to achieve full equality of economic opportunity — for the average woman worker earns only 60 percent of the average wage for men — this legislation is a significant step forward. Our economy today depends on women in the labor force.”

Lilly Ledbetter

The Civil Rights Act of 1964 that established the Equal Employment Opportunity Commission (EEOC) and prohibited discrimination in employment and public accommodations mandated that an

individual must file a claim for employment discrimination within 180 days of the date of the discrimination. Lilly Ledbetter filed such a claim in 1998, alleging that her employer, Goodyear Tire, discriminated against her because of her gender by paying her less than male employees. But not only did she not file the claim within the 180-day period, she filed the claim after she had retired. Ledbetter alleged that because some of her supervisors over the years had given her poor performance evaluations because of her sex that her pay had not increased as much as it would have.

Goodyear maintained that the evaluations had not discriminated against her. A federal district court ruled in her favor and awarded her \$3 million in back pay and damages. However, the U.S. Court of Appeals for the Eleventh Circuit in Atlanta thought differently. As explained by Oyez, the repository of all things related to the Supreme Court:

The Circuit Court ruled that the fact that Ledbetter was getting a low salary during the 180 days did not justify the evaluation of Goodyear's decisions over Ledbetter's entire career. Instead, only those annual re-

views that could have affected Ledbetter's payment during the 180 days could be evaluated. The Circuit Court found no evidence of discrimination in those reviews, so it reversed the District Court and dismissed Ledbetter's complaint.

Ledbetter appealed to the U.S. Supreme Court.

In the case of *Ledbetter v. Goodyear Tire & Rubber Co.* (2007), the question at issue, again, as explained by Oyez, was simply this: "Can a plaintiff bring a salary discrimination suit under Title VII of the Civil Rights Act of 1964 when the disparate pay is received during the 180-day statutory limitations period, but is the result of discriminatory pay decisions that occurred outside the limitations period?" By a vote of 5-4, the Court affirmed the judgment of the Eleventh Circuit, ruling that Ledbetter's claim was time barred by Title VII's limitation period. Justice Samuel Alito wrote the majority opinion, in which he explained:

In an effort to circumvent the need to prove discriminatory intent during the charging period, Ledbetter relies on the intent associated with other

decisions made by other persons at other times.

Ledbetter's attempt to take the intent associated with the prior pay decisions and shift it to the 1998 pay decision is unsound. It would shift intent from one act (the act that consummates the discriminatory employment practice) to a later act that was not performed with bias or discriminatory motive. The effect of this shift would be to impose liability in the absence of the requisite intent.

Ledbetter's policy arguments for giving special treatment to pay claims find no support in the statute and are inconsistent with our precedents. We apply the statute as written, and this means that any unlawful employment practice, including those involving compensation, must be presented to the EEOC within the period prescribed by statute.

In her dissent, Justice Ruth Bader Ginsburg termed the majority's ruling "a cramped interpretation of Title VII, incompatible with the statute's broad remedial purpose." She suggested that "the Legislature

may act to correct this Court's parsimonious reading of Title VII." And this is exactly what happened.

Fair Pay Act

As a direct result of the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, Congress passed the Lilly Ledbetter Fair Pay Act of 2009 (S. 181, PL 111-2) "to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes."

**Justice Ruth Bader Ginsburg
termed the majority's ruling "a
cramped interpretation
of Title VII."**

The bill was initially introduced in the 110th Congress in 2007, passed the House (H.R.2831), but it was ultimately rejected by the Senate (S.1843). In the 2008 presidential election, candidate Barack Obama expressed support for the bill. The Democrats were able to get Ledbetter herself to appear in campaign ads for the Obama campaign and speak at the Democratic National Convention. The bill was re-

introduced in the 111th Congress, which was totally controlled by the Democrats, and quickly passed both Houses of Congress. It was the first piece of legislation signed into law by President Obama. Ledbetter attended the bill signing. She has since become an activist for women's equality.

The Fair Pay Act:

amends the Civil Rights Act of 1964 to declare that an unlawful employment practice occurs when: (1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes subject to the decision or practice; or (3) an individual is affected by application of the decision or practice, including each time wages, benefits, or other compensation is paid. Allows liability to accrue, and allows an aggrieved person to obtain relief, including recovery of back pay, for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to practices that occurred outside the time for filing a charge. Applies the preceding provi-

sions to claims of compensation discrimination under the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973.

Ledbetter has since become an activist for women's equality.

Congress passed the Fair Pay Act because it believed that the Ledbetter case significantly impaired “statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades” and undermined those protections “by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.” The Fair Pay Act was actually made retroactive to May 28, 2007 — the day before the Supreme Court issued its Ledbetter ruling.

Equality

Are two jobs ever equal? Sometimes, they clearly are. For example, a job as a clerk in a particular convenience store can hardly be said to be different from other convenience store clerk jobs in the same store.

And the same goes for pizza delivery drivers at the same store, cashiers at the same fast food establishment, servers at the same restaurant, and construction laborers on the same job site. These jobs generally do have equal pay for equal work.

But in many other jobs, there cannot be equal pay for equal work for the simple reason that the work is never equal. Two accountants or lawyers at the same firm may do the same kind of work, but they don't do equal work. A famous actress a few years ago who refused to make another season of a popular series initially claimed that the reason was because her male co-star was getting paid more money than she was. (It later came out that she was upset about the nude scenes she was expected to do.) But if there were ever a case of unequal work, it is certainly on the set of a movie or television production, unless we are talking about a group of extras that form a crowd in the background.

This incident brings up the oft-repeated canard that women are paid less than men. When progressives and feminists say this, they usually imply that companies with men and women accountants, engineers, and database administrators deliberately pay the women less

than the men. But of course, this isn't the case at all.

According to the Bureau of Labor Statistics, the median earnings of all full-time wage-earning and salaried female workers is about 18 percent lower than male workers. This results from a variety of factors: type of occupation, experience, and especially time away from the workforce to raise children. Misogynistic businesses owners and managers have nothing to do with it. If it were really possible to pay women substantially less than men for doing equal work, then companies would be better off hiring all women and having a competitive advantage over other companies. Clearly, this is not happening.

**Misogynistic businesses
owners and managers have
nothing to do with it.**

But even if two jobs did have equal work, who is to say that they should have equal pay? As far as the law is concerned, the fact that one employee receives a different rate of pay for doing the "same job" as another should be irrelevant. A fair and just wage is the amount voluntarily agreed upon by an employer and an employee regardless of what any other employee makes for do-

ing “equal work.” If the wage is too high, then the employer won’t employ; if the wage is too low, then the worker won’t work. The hand-wringing over pay equality would not exist in a free society.

There are a number of things that can be said about employees’ pay in a free society.

In a free society, there is no Equal Pay Act.

In a free society, there is no Fair Pay Act.

In a free society, there is no Bureau of Labor Statistics.

In a free society, no one is “worth” a certain rate of pay.

In a free society, the rate of one’s pay is strictly a matter between the employer and each individual employee.

In a free society, no one is entitled to a particular rate of pay no matter what his experience, qualifications, seniority, or education.

In a free society, no employee is entitled to pay equal to or greater than that of any other employee.

In a free society, employers could pay men more than women, the old more than the young, Catholics more than Protestants, Democrats more than Republicans, Europeans more than Asians, the thin more than the fat, the attractive more than the ugly, the married more

than the divorced, and those with children more than those without.

In a free society, businesses don’t have to have annual performance reviews and pay increases for all, any, or every employee.

In a free society, employees freely decide to take a job on the basis of the wages and benefits offered to them.

In a free society, the rate of one’s pay is strictly a matter between the employer and each individual employee.

In free society, the availability and rate of overtime pay are set entirely by agreement between employers and employees.

In a free society, government would not interfere in any way with any employer-employee agreement regarding pay and benefits.

Discrimination

The larger question here is that of the legitimacy of government prohibitions on discrimination in employment, whether it relates to pay or some other criterion. The reason why it should not be an issue that one employee does not receive “equal pay” for doing “equal work” as another employee is because, as far as the law is concerned, the gov-

ernment should neither seek to prevent nor punish acts of discrimination — regardless of whether it is based on stereotypes, false assumptions, or prejudices and regardless of whether it is unreasonable, illogical, or irrational. Discrimination, after all, is not aggression, force, coercion, or threat. It should therefore never be a crime. To outlaw discrimination is to outlaw freedom of thought. This doesn't mean that discrimination practiced by employers is ever or always right, ethical, justified. It just means that it is not the proper role of the federal government to be concerned about it.

There are a number of things that can be said about employment discrimination in a free society.

In a free society, there is no EEOC.

In a free society, employers can refuse to hire any applicant for any reason.

In a free society, no one has any legal recourse if a business refuses to hire him.

In a free society, it is perfectly legal for employers to fire employees at any time and for any reason.

In a free society, affirmative action may be practiced, but not mandated.

In a free society, businesses are able to discriminate against poten-

tial employees for any reason and on any basis, just as potential employees can now discriminate against businesses for the same things.

In a free society, employers could discriminate in hiring, work assignments, and promotions based on race, age, national origin, ancestry, creed, disability, religion, religious piety, sex, sexual orientation, criminal record, citizenship, immigration status, health, drug use, tobacco use, alcohol use, marital status, pregnancy, familial status, gender identity, IQ, politics, or appearance (skin color or complexion; hair color, length, or style; facial hair; religious headwear; height; weight; dress; jewelry; scars; tattoos; piercings).

Freedom is always a better measure than equality.

Laurence M. Vance is a columnist and policy advisor for The Future of Freedom Foundation, an associated scholar of the Ludwig von Mises Institute, and a columnist, blogger, and book reviewer at LewRockwell.com. Send him email: lmvance@laurencemvance.com. Visit his website at: www.vancepublications.com.

Of all tyrannies a tyranny sincerely exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience. They may be more likely to go to Heaven yet at the same time likelier to make a Hell of earth. Their very kindness stings with intolerable insult. To be "cured" against one's will and cured of states which we may not regard as disease is to be put on a level of those who have not yet reached the age of reason or those who never will; to be classed with infants, imbeciles, and domestic animals. But to be punished, however severely, because we have deserved it, because we "ought to have known better," is to be treated as a human person made in God's image.

— C.S. Lewis

Modern Collectivist Trends and How to Resist Them

by *Richard M. Ebeling*



The First World War and the Great Depression were, I would suggest, the major events that have shaped most of the political, social, and economic trends for more than a century. The Great War, as it used to be called, undermined the generally “classical” liberal world that prevailed, at least in much of Western and Central Europe and North America before 1914.

Not that that world before then was some pristine reflection of the *laissez-faire* ideal of fully recognized and protected individual liberty, radically free markets, with strictly limited government assigned to only protect people’s right to their respective life, liberty, and honestly

acquired property. In many instances, very far from it. By the benchmarks of the world before the heyday of classical-liberal ideas and policies in the middle of the nineteenth century, however, the Western world practiced a high degree of freedom. That period also stands out on the same basis in comparison to the rise of modern collectivism in the decades after the First World War in the twentieth century.

A classical liberal world of individual rights and liberty

After all, basic civil liberties of freedom of speech and the press, of religion, of peaceful assembly, and legal security of one’s person and property, were more or less widely accepted as the norm and ideal on the basis of which any breeches of them were evaluated and criticized. Compared to the mercantilist economic restrictions and controls of the eighteenth century, much of the “civilized world” had moved to a recognition of and respect for widely unregulated freedom of private enterprise and international trade.

Certainly, by the 1860s and 1870s, in much of Europe and North America, the practice of relatively free markets at home and aboard was taken as the normative standard from which actual gov-

ernment economic policies were being increasingly judged.

Classical liberals usually argued for constitutions, based on social tradition or in a written form.

Political freedom in the sense of expanded voting franchises were also increasingly taken for granted. A free man, it was argued, should have a say in the selection and appointment of those who are to hold positions of political authority for stipulated periods of time in the government. The nineteenth-century classical liberals frequently warned of the uncertainties and dangers from a growing and unrestricted system of political democracy.

For this reason, they usually argued for constitutions based on social tradition or in a written form. They would clearly define and delineate what liberties belonged to each and every free citizen that even majorities should not have the power to restrain or abolish through the coercive powers of government.

A world of wide liberty overturned by the First World War

The British historian A.J.P. Taylor, no doubt with a degree of exaggeration, explained in his *English History, 1914-1945* (1965):

Until August 1914, a sensible, law-abiding Englishmen could pass through life and hardly notice the existence of the state, beyond the post office and the policeman. He could live where he liked and as he liked. He had no official number or identity card. He could travel abroad or leave his country forever without a passport or any sort of official permission. He could exchange his money for any other currency without restriction or limit. He could buy goods from any country in the world on the same terms as he bought goods at home. For that matter, a foreigner could spend his life in this country without permit and without informing the police. Unlike the countries on the European continent, the state did not require it citizens to perform military service.... Substantial householders were occasionally called for jury service. Otherwise, only those helped the state who wished to do so.

Taylor did point out that already before the First World War, the British government did impose a variety of regulations for purposes of

food and health safety, legislated mandatory public education on the young, instituted a number of rules on hours and work conditions in the labor market, and was beginning to implement features of what later became the British welfare state. “Still, broadly speaking, the state acted only to help those who could not help themselves,” he stated. “It left the adult citizen alone.”

War resulted in regimentation and collectivism

In other words, before 1914, a resident of Great Britain could live out his life and pretty much be respected (to use Herbert Spencer’s happy phrase) in his “right to ignore the state.” This all changed with the coming of the Great War. Said Taylor:

The mass of the people became, for the first time, active citizens. Their lives were shaped by orders from above; they were required to serve the state instead of pursuing exclusively their own affairs. Five million men entered the armed forces, many of them (though a minority) under compulsion. The Englishman’s food was limited, and its quality changed, by government

order. His freedom of movement was restricted; his conditions of work prescribed. Some industries were reduced or closed, others artificially fostered. The publication of news was fettered. Street lights were dimmed.

The sacred freedom of drinking was tampered with; licensed hours were cut down, and the beer watered by order. The very time on the clocks were changed. From 1916 onwards, every Englishman got up an hour earlier in summer than he would otherwise have done, thanks to an act of parliament. The state established a hold over its citizens which, though relaxed in peacetime, was never to be removed and which the Second World War was again to increase. The history of the English state and the English people merged for the first time.

I have used A.J.P. Taylor’s description of this transformation in Great Britain with the coming of the First World War. Similar accounts easily could be given about all of the belligerent countries and governments, including the United States under Woodrow Wilson after

America's entry into the conflict in April 1917. But since Great Britain was considered the model country in the nineteenth century for advocating and widely implementing many facets of the classical-liberal ideal, highlighting how the conflict changed that country helps to bring out the impact of war collectivism on the Western world in general.

FDR and the New Deal "nationalized" the American people

The world has not been the same since the experience and policies of the First World War. But what made the turn toward political, economic, and social collectivism a seemingly permanent trend for the remainder of these last one hundred years was the Great Depression and the coming of Franklin D. Roosevelt's New Deal. America, too, imposed a regimented economy during its short participation in the Great War, with government production planning, wage and price controls, restrictions on freedom of speech and the press, imprisonment of critics of the war, and increased centralization of power in Washington, D.C.

These governmental policies of war planning and central control in 1917 and 1918 became the backdrop to the mindset and the policies

introduced by Franklin Delano Roosevelt starting in 1933 with the implementation of his New Deal. Sociologist and historian Robert Nisbet explained this well and clearly in his book *The Present Age* (1988):

[FDR] had served Wilson as assistant secretary of the navy in World War I, and had been thrilled by Wilson personally and by certain aspects of the War State. It is interesting to speculate on what form of American response to the depression of the 1930s would or might have taken had it not been for the legacy of government planning and regimentation left by the First World War...

The response made by FDR and his chief aides ... was simply a revival of structures and relationships which had characterized the Wilson War State. With altered names, many of the same production, labor, banking, and agricultural boards of World War I were simply dusted off, as it were, and with new polish set once again before the American people. This time the enemy was not Germany or any foreign power but the Depression;

this did not, however, prevent Roosevelt from literally declaring war on it and likening himself and his associates to a “trained and loyal army willing to sacrifice for the good of a common discipline.”

The Roosevelt administration used a host of propaganda campaigns to rally the people.

American industry was conscripted into government mandated cartels as part of the National Industrial Recovery Administration (NRIA), which set prices, wages, and production targets; American farmers were placed under the command of the government through the Agricultural Adjustment Administration (AAA), with its power to determine crop sizes, animal herds, and the prices of all that was supplied by the farming community. Grandiose public works projects of road building, dam construction, regional electrical programs (TVA), and huge budget deficits and central bank money creation were used to “stimulate” economy-wide demand and artificially push up prices, profits, and employments. The welfare state was planted with government mandated Social Security and healthcare

programs, along with public-housing projects, and unemployment insurance. Plus, the Roosevelt administration used a host of propaganda campaigns, such as the Blue Eagle, to rally the people to loyally accept and obey this new central planning role of government.

Collectivism came to America and people passively followed

Individuals, communities, and states were all submerged within and aggregated into nationalized tasks under government direction. This aspect to the nature and legacy of the New Deal was also emphasized by Robert Nisbet:

The New Deal is a great watershed not only in twentieth-century American history but in our entire national history. In it the mesmerizing idea of a national community — an idea that had been in the air since the Progressive era ... had come into full but brief existence in 1917 under the stimulus of war — was now at long last to be initiated in peacetime as a measure to combat the evils of capitalism and its “economic royalists”...

[FDR] once explained the New Deal’s ‘drastic changes in

the methods and forms of the functions of government' by noting that "we have been extending to our national life the old principle of the local community"... Without doubt the idea of national community burns brightly in the American consciousness at the present time. Initiated by President Roosevelt, the idea has been nourished, watered, and tended in one degree or other by each succeeding president ... the national state, the centralized, collectivized, and bureaucratized national state...."

Lippman emphasized that what was happening was not policies for a temporary emergency.

The significance of this political and economic transformation was understood by some at the time. For instance, the noted American journalist Walter Lippmann emphasized that what was happening in the United States was not policies for a temporary emergency, but, as he said in the pages of the June 1935 issue of *Yale Review*, the establishment of a "Permanent New Deal." In fact, said Lippmann, it was initiated by Republican President Herbert Hoover, with the coming of the

Great Depression in the autumn of 1929 and was simply magnified and intensified with FDR's New Deal planning, regulating, and redistributing policies beginning in 1933.

The policy initiated by President Hoover in the autumn of 1929 was something utterly unprecedented in American history.... It was Mr. Hoover who abandoned the principles of laissez faire in relation to the business cycle, established the conviction that prosperity and depression could be publicly controlled by political action, and drove out of the public consciousness the old idea that depressions must be overcome by private adjustment....

Only those who have forgotten the inclusive and persistent experimentation before March 1933, can, I think, fail to see that most of [FDR's] recovery program is an evolution from its predecessor's program; and that there is a continuity of principle; and that both programs are derived from the unprecedented doctrine that the government is charged with responsibility for the successful operation of the economic order and the

maintenance of a satisfactory standard of life for all classes of the nation....

Did any previous American president suppose that it was his duty to tell farmers and businessmen and bankers, debtors and creditors, employers and employees, governors and mayors, what to do in order to restore prosperity, or that he had a right to draw upon all the powers of government and the resources of the nation?

What most surprised Lippman was the massive increase in the size and scope of government in the United States. "Yet when the change occurred, there was almost no comment," he wrote. Hardly anyone raised his voice in challenge on the ground of the individualistic tradition or the accepted limitations of the federal power.

There were voices, in fact, who raised questions and criticisms, especially following the further concentration of federal control and planning after FDR took office in 1933. Nonetheless most Americans and almost all of the policy and press media pundits either acquiesced or strongly endorsed the president's near dictatorial hand

with the fascist-like economic planning institutions of the early New Deal.

Acceptance of presidential discretion in going to war

The same pattern of acceptance of centralized power and decision-making grew out of the Second World War. Public sentiment was strongly for keeping the United States out of the wars in Europe and Asia before the Japanese attack on Pearl Harbor on December 7, 1941. When Roosevelt ran for his unprecedented third term as president in 1940, he had to loudly and repeatedly assure the American voters that he would do all in his power to keep the U.S. neutral and out of the war. He lied.

Roosevelt aggressively did all in his implicit authority to plan for and get the United States into the war.

Of course, almost all historians now admit and detail the various ways FDR aggressively did all in his implicit authority to plan for and get the United States into the war against Nazi Germany and Imperial Japan. The fact that Roosevelt violated or at least skirted laws passed by Congress and sometimes earlier

signed by him to restrict America being dragged into foreign conflicts, and that he went far beyond his traditional constitutional prerogatives in pushing for war is not even considered an important historical event anymore.

It is now presumed that for all intents and purposes, if a president considers some foreign conflict to be some way “vital” to American interests or concerning “humanitarian” matters that “American cannot ignore,” then he has fairly wide discretion to enter such a conflict in some way, shape, or form. Only later is he obligated to officially and fully inform Congress and arrange for needed appropriations to fund the foreign intervention.

Rules for presidential war-making — limit the American deaths

The only thing that seems important in an era of instantaneous media coverage of anything, anywhere in the world, is to not seem to be putting American military lives into too serious a harm’s way. The war in Vietnam brought forth a huge amount of resistance from the American public. They pushed back, not simply because many Americans couldn’t understand the reasons or rationales for the war, but because so many of the hun-

dreds of thousands of U.S. military personnel who were sent to Southeast Asia had been drafted into a conflict that those young men and their families did not want them to die for. And you saw all the gruesome details every day on the evening news.

After fighting for 20 years in Afghanistan and over a decade in Iraq, U.S. presidents have learned that they can fight long wars at their own discretion, at large financial costs, and with little public uproar, as long as they do it with a volunteer military and minimize the number of American deaths. And they certainly can’t have too many of those casualties shown on television.

U.S. presidents can fight long wars as long as they minimize the number of American deaths.

Modern technology helps with that. Drone warfare makes it relatively easy for the president of the United States to order attacks on human targets virtually anywhere around the globe and not risk a single American life. In the process, he can kill people in another country without even having to inform the government of that country what the United States is doing within

their borders. This enables presidents to initiate wars that are worth killing for but not dying for, in terms of limiting domestic criticism or opposition from American voters.

COVID-19 and Big Brother equals tyranny

Enter COVID-19. In response to the feared number of possible cases and deaths from the coronavirus that were bandied about in the beginning months of 2020, governments around the world, including that of the United States, and most especially the state governments through most parts of the United States, instituted draconian measures. The American people were commanded and ordered to stop almost everything they were doing — don't produce anything but what the political authorities declare to be "essential" items; do not go to work, except in those industries considered essential by politicians and their "experts"; stay at home, and only go outside for "essential" shopping for food or medical supplies; shut down your "non-essential" retail business of practically every type; and wear that mask and stay six feet away from others.

Many "essential" and "non-essential" goods, not surprisingly, disappeared from retail stores, with

panic buying setting in. Governments instituted or threatened price controls to prevent "price gouging" at a time of "national crisis," which, of course, only exacerbated the short supplies and the desperate search for everyday items by consumers.

The danger is that the precedent has now been made.

Output fell, unemployment rose, people's incomes dramatically went down or went to zero. The first truly American government-made and mandated economic collapse impacted the entire country. As like during the Great Depression, most Americans silently, passively, and obediently followed what the government told them to do. The increasing pockets of resistance or opposition to these near totalitarian policies are viewed by those in political power and in most of the media as "kooks" and ideological "extremists" not willing to "follow the science."

The danger is that the precedent has now been made. Every future declared health crisis can become a new reason and rationale to impose lockdowns and shutdowns, order everyone to wear a mask and stay "x" number of feet away from those

around you, command people to stop working and stay at home, and justify dictating where, what, and when private enterprises may produce and sell, and at what prices.

What friends of freedom must do

So, what is to be done? For friends of freedom, I would suggest the following.

First, know some of the history of how and why the Leviathan appeared and grew to such a monstrous size in comparison to before the First World War. It is important to be able to explain to and assure people that there is “another way” other than political paternalism and planning. And however imperfectly, it existed before World War I and brought great prosperity and wellbeing to hundreds of millions of people.

Second, uncompromisingly and in a clear and articulate manner learn to make the case for individual liberty and rights, and for why the new tribal political paternalism of identity politics and cancel culture are inconsistent with and a danger to the free society.

Third, do not let those in favor of these various forms of political, economic, and social collectivism to set the terms of the debate. Politely and courteously, but firmly,

insist that America does not suffer from “systemic racism” and has historically kept moving in a direction of greater respect and rights for each and every individual. If this march toward liberty has been impeded or side tracked, it is due to the very policies and presumptions of the collectivists in our midst.

And, fourth, do not become despondent or despairing in the face of seemingly “irreversible” increases in political paternalism and planning. The collectivists want it to seem as if they are on the “right side of history,” when in fact theirs is an ideological and political journey backwards to a tribalism and tyranny of centuries gone by. Freedom can win, but it requires dedication, determination, and willingness to fight the good fight, even when the trend seems against liberty.

It all starts with each of us as thinking individuals devoted to freedom. The twenty-first century can showcase a better and more consistent classical liberalism — one that shows how human beings can be free, prosperous, and peaceful. It falls on each of us to do our part.

Richard M. Ebeling is the BB&T Distinguished Professor of Ethics and Free Enterprise leadership at The

Citadel. He was professor of economics at Northwood University and at Hillsdale College. He also served as president of The Foundation for Economic Education and served as vice president of academic affairs for FFF.

NEXT MONTH:
“Identity Politics and Systemic Racism Theory as the New Marxo-Nazism”
by Richard M. Ebeling

The progress from an absolute to limited monarch, from a limited monarch to a democracy, is a progress toward a true respect for the individual. Even the Chinese philosopher was wise enough to regard the individual as the basis of the empire. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step further towards recognizing and organizing the rights of man? There will never be a really free and enlightened State, until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly.

— Henry David Thoreau

Frank Chodorov's Peaceful, Persistent Revolution, Part 2

by Wendy McElroy



Chodorov's rejection of war was motivated largely by the growth of the state that accompanied it and that savaged individual freedom. Chapter 11 of his autobiography, entitled "Isolationism," summarized his position:

When the enemy is at the city gates, or the illusion that he is coming... the tendency is to turn over to the captain all the powers he deems necessary to keep the enemy away. Liberty is downgraded in favor of protection. But, when the enemy is driven away, the state finds reason enough to hold onto its acquired powers.... It is inherent in the character of the state.

Chodorov stressed war's devastation of economic liberty as well:

Taxes imposed ostensibly "for the duration" have become permanent, the bureaucracy built up during the war has not been dismantled, and interventions in the economy necessary for the prosecution of war are now held to be necessary for the welfare of the people. Whichever side [of the war] won, the American people were the losers.

The American people were burdened with permanent bureaucracy, more restrictive laws, higher taxation, militarism, and inflation because interventionism's main goal was to expand the state's sphere of control. Why did people accept such violations of freedom during peacetime? In large part because the state instilled constant fear of an "enemy" into them.

The Cold War and McCarthyism

Chodorov saw the Cold War for what it was: a continuation of interventionism in a different guise. The Cold War is generally dated from the 1947 Truman Doctrine through to the 1991 dissolution of the Soviet Union. The Truman Doctrine was a

foreign policy measure that sought to contain the Soviet Union and communism, which were viewed as quintessential threats to America. Direct military involvement was not its primary strategy. Instead, it provided financial and other assistance to regimes that appeared vulnerable to communism; this led America to support oppressive regimes that were perceived to be anti-communist.

The *analysis* (Chodorov's journal) immediately began to attack the Truman Doctrine as "dangerously imperialist" and futile because "communism is already the religion of Europe." Why? The April 1947 issue explained. American involvement in Europe had nourished communism through war and post-war policies that caused hopelessness and poverty. People were prevented "from producing by destroying the tools of production, by condoning wholesale robbery and the rooting up of populations." The solution: embrace a *laissez-faire* attitude toward Europe; that is, leave Europeans alone to reconstruct their markets and their lives.

Chodorov's main reason for a *laissez-faire* approach was not benevolence toward Europe, although he certainly felt genuine compassion. His purpose was to spare

Americans the domestic impact of interventionism.

There is ... an even more vital argument in favor of minding our home affairs. If we go along with this poking into the business of Europe, what will happen to the liberty we have left in America? Already there is a "Red" witchhunt afoot, and experience tells us that ... the definition of Red will include every person who raises his voice against the going order. Mass hysteria will conveniently support such a definition.

American involvement in Europe had nourished communism through war and post-war policies.

The "Red Scare" — also known as "McCarthyism," named after Senator Joseph McCarthy from Wisconsin — was a tool of interventionism; it stirred up politically useful fear of "the enemy" and rage toward him. The fear became hysteria in 1949 when the Soviet Union detonated its first atomic device, eliminating America's nuclear monopoly.

McCarthy's ostensible goal in his Senate investigations in the early

1950s was to expose communist infiltration of the American government and society by which radicals sought to overthrow the system. Suspected communists were generally subpoenaed and asked to turn over the names of other so-called subversives.

A favored tactic of persuasion was to blacklist an uncooperative person, which often led to this person being fired and rendered unemployable. Since most hearings were based on unsubstantiated charges and flaunted due process, the term “McCarthyism” has become a synonym for character assassination and unjust proceedings that damage or destroy its target. The hearings were akin to the show trials for which the Soviet Union was rightfully condemned.

Chodorov viewed the hearings as heresy trials and hypocritical. They were heresy trials because people were being persecuted for their beliefs, not for any harm they had inflicted on the person or property of another. Moreover, the act of punishing beliefs was extraordinarily dangerous on a domestic level. “If men are punished for espousing communism,” he warned, “shall we stop there? Once we deny the right to be wrong we put a vise on the human mind” and turn to

“ruthlessness.” On a foreign level, using force against an idea was futile because ideas cannot be killed no matter how many people die or accept bribes.

The act of punishing beliefs was extraordinarily dangerous on a domestic level.

The trials were hypocritical because the “judge” believed in an all-powerful state; they simply wanted the power to be in the right hands — theirs. The men who sat in judgment never asked those in the hot seat if they advocated state power, Chodorov observed. This was because they too “worship power.” He interpreted the question, “Are you or were you a member of the Communist Party?” to mean “Have you aligned yourself with the Moscow branch of the church?” To the extent federal agencies had a communist problem, Chodorov offered an easy solution. “The only thing to do, if you want to rid the bureaucracy of Communists, is to abolish the bureaucracy.”

After a few years, McCarthyism abruptly halted. A turning point came in 1954 with a nationally televised 36-day hearing on accusations against U.S. Army officers and civilian officials. The American

public watched McCarthy's savage tactics with disgust. When Joseph Nye Welch, special counsel for the army, proclaimed to McCarthy, "Have you no sense of decency, sir, at long last? Have you left no sense of decency?" McCarthy lost public support. Unfortunately, at this point, interventionism and bureaucracy were so embedded into the American fabric that McCarthy's fall from grace did not diminish them.

The New Right was ascending; it embraced a strong foreign policy of intervention.

The Old Right was fading. Under the leadership of William F. Buckley, Jr., editor of the *National Review*, the New Right was ascending; it embraced a strong foreign policy of intervention. In *The Freeman* of August 1954, Buckley summed up the schism in conservative ranks through one question, "What are we going to do about the Soviet Union?" On one side were "containment conservatives" and isolationists who detested communism but believed the domestic consequences of a militant foreign policy were prohibitive. Chodorov fit into the later category, although he would have demanded to be la-

beled "an individualist"; in a 1956 letter to *National Review*, Chodorov wrote, "I will punch anyone who calls me a conservative in the nose."

On the other side were "interventionist conservatives" who wanted to launch aggressive action to destroy Soviet power. Buckley correctly predicted the fissure would "ultimately ... separate us." The interventionist conservatives soon dominated and became the New Right.

The later Chodorov

Chodorov sharply differed from conservatives on several issues. He did not share their embrace of big business, for example, because it rushed to compromise with the state in return for privileges that harmed Americans. This not only betrayed true capitalism, it also opened the door to Marxism. Communism would arrive in the United States not on Main Street, he believed, but through Wall Street.

Nevertheless, Chodorov was held in high esteem by the conservative movement. One reason: In 1953, Chodorov founded the Intercollegiate Society of Individualists (ISI), with Buckley serving as president. ISI was the first national organization designed for conservative students and campus outreach. ISI

listed its core beliefs as limited government, individual liberty, personal responsibility, the rule of law, and Judeo-Christian values. It became very influential and had 50,000 members by the end of the twentieth century. Now it is known as the Intercollegiate Studies Institute.

Another reason Chodorov garnered the respect of conservatives was because he wrote and edited prolifically, often debating prominent members of the New Right. In 1951, Chodorov became the associate editor of the then-isolationist periodical *Human Events* with which *analysis* merged. He held this post until June 1954, after which he resumed the editorship of *The Freeman* for a brief time. Books became his primary focus, however. They included *One is a Crowd: Reflections of an Individualist* (1952), *The Income Tax: Root of All Evil* (1954), *The Rise and Fall of Society: An Essay on the Economic Forces that Underlie Social Institutions* (1959), and *Out of Step* (1962).

Chodorov died on December 28, 1966, after having a major stroke in 1961 while teaching at Robert LeFevre's Freedom School. He had lived through America's watershed period on foreign policy: World War I and II, the Truman Doctrine,

and the Red Scare. After this, America abandoned the isolationism that had such deep roots in its history and soul. As Chodorov foresaw, the state swelled in size, and Big Business became its partner in interventionism through the military-industrial complex.

"People do not do what reason dictates; they do what their disposition impels them to do."

Chodorov's legacy is best remembered for its many positive effects. Just as he looked to Albert Jay Nock as a role model and for inspiration, generations of libertarians have held Chodorov up as a paragon of intellectual integrity and indefatigable commitment to freedom. In an excerpt from *One is a Crowd* — entitled *Time for Another Revolution* — he wrote:

Were the disposition of the current crop of Americans comparable to that of their forbears, a new revolution, to regain the profit of the first one, would be in order. There is far more justification for it now than there was in 1776. But, people do not do what reason dictates; they do what their disposition impels them

to do. And the American disposition of the 1950s is flaccidly placid, obsequious and completely without a sense of freedom; it has been molded into that condition by the proceeds of the Sixteenth Amendment [which imposed a Federal income tax]. We are Americans geographically, not in the tradition. In the circumstances, a return to the Constitutional immunities must wait for a miracle.

In a real sense, Chodorov created the miraculous revolution for

which he longed. He was the man behind the man who sculpted modern libertarianism in the 1960s. And, true to Chodorov's gentle nature, his revolution is both peaceful and persistent in its demand for individual liberty.

Wendy McElroy is an author for The Future of Freedom Foundation, a fellow of the Independent Institute, and the author of The Reasonable Woman: A Guide to Intellectual Survival (Prometheus Books, 1998).

Although I would like to see a world in which there was greater freedom of movement, that's not the point that I want to make here. My point is that we relate to one another and to people outside in ways that mean that if we want to control those interactions that exist, we will have to control people, and that means controlling ourselves as well. And this is something we should view with a great deal of skepticism.

— Chandran Kukathas

SUPPORTING THE FUTURE OF FREEDOM FOUNDATION

Our work advancing freedom depends on the financial support we receive from people who share our commitment to the moral, philosophical, and economic principles of a free society. Since The Future of Freedom Foundation is a 501(c)(3) educational foundation, donations are tax-deductible.

.....

Donations can be made on our website

— www.fff.org/support —

or by calling us at 703-934-6101.

.....

Here are ways that you can support our work:

1. A donation, with check or credit card.
 2. A donation in any amount you choose by means of a recurring monthly charge to your credit card.
 3. A donation of stock, the full market value of the stock being tax-deductible.
 4. Naming The Future of Freedom Foundation as a beneficiary in your will or living trust, charitable gift annuity or trust, or life-insurance policy.
-

Over the years, planned giving has played an important role in sustaining our operations.

*Thank you for your support of our work
and your commitment to a free society!*



THE FUTURE
of
FREEDOM FOUNDATION

11350 Random Hills Road
Suite 800
Fairfax, VA 22030

★★★

www.fff.org

fff@fff.org

703-934-6101