

Features

- 14 Cage Complex *by Wendy McElroy*
19 The Great Healthcare CON *by Jordan Bruneau*
24 The Man Behind the Hong Kong Miracle *by Lawrence W. Reed*
26 If You Like Your Governance, You Can Keep It *by David J. Hebert*



Page 14

Interview

- 8 The Individualist: An interview with Anne Wortham
28 Sweatshop Blues: An Interview with Benjamin Powell

Columns

- 2 Perspective ~ All You Need Is Toleration
6 Dispatch from Ukraine
17 The Pursuit of Happiness ~ Police Work Has Become a Racket *by Jeffrey Tucker*
22 Wabi-Sabi ~ Dystopias Seen, Dystopias Imagined *by Sandy Ikeda*
31 Anything Peaceful ~ The Myths of School Vouchers, Then and Now *by Casey Given*



Page 6

Culture

- 34 Check Your Context *by Sarah Skwire*
36 Nutrition Without Romance *by Jenna Ashley Robinson*
38 No Sleep Till Johannesburg *by Michael Nolan*



Page 36

Poetry

- 12 Defending Veronese *by Maryann Corbett*

Published by

The Foundation for Economic Education
 Irvington-on-Hudson, NY 10533
 Phone: (914) 591-7230; E-mail: freeman@fee.org
www.fee.org

President	Lawrence W. Reed
Executive Director	Wayne Olson
Chief Operating Officer	Carl Oberg
Editor	Max Borders
Managing Editor	Michael Nolan
Poetry Editor	Luke Hankins

Columnists

Charles Baird	David R. Henderson
Doug Bandow	Sandy Ikeda
Tom Bell	Sarah Skwire
Stephen Davies	Jeffrey Tucker
Burton W. Folsom, Jr.	

Foundation for Economic Education
Board of Trustees, 2013–2014

Acting Chairman	Harry H. Langenberg
Secretary	Ingrid A. Gregg
Treasurer	Michael S. Yashko
Sarah Atkins	Kris Alan Mauren
Peter Boettke	Don Smith
Harold J. Bowen, III	Chris Talley
Jeff Giesea	John Westerfield
Stephen R. Hennessey	

The Foundation for Economic Education (FEE) is a nonpolitical, nonprofit educational champion of individual liberty, private property, the free market, and constitutionally limited government.

The Freeman is published monthly, except for combined January-February and July-August issues. Views expressed by the authors do not necessarily reflect those of FEE's officers and trustees. To receive a sample copy, or to have *The Freeman* come regularly to your door, call 800-960-4333, or e-mail mnolan@fee.org.

The Freeman is available electronically through products and services provided by ProQuest LLC, 789 East Eisenhower Parkway, PO Box 1346, Ann Arbor, Michigan 48106-1346. More information can be found at www.proquest.com or by calling 1-800-521-0600.

Copyright © 2014 Foundation for Economic Education, except for graphics material licensed under Creative Commons Agreement. Permission granted to reprint any article from this issue with appropriate credit, except as noted.

Cover © Alexander Yakovlev/Shutterstock.com

All You Need Is Toleration

Truth carries within itself an element of coercion.
 —Hannah Arendt

Identity politics has come to the freedom movement. But does it fit?

Many newly minted libertarians have come out of America's indoctrination factories feeling a mix of guilt and sanctimony. They're still libertarians, but they admonish you to "check your privilege" and caution that you may unwittingly be perpetuating a culture of oppression.

Libertarianism alone is not enough, they say.

Our tradition, they urge, needs now to find common cause with various fronts in the movement for "social justice"—struggles against racism, sexism, ageism, ableism, weightism, classism, and homophobia. In that movement, the unit of injustice is the group. Still, joining up means libertarians can attract more young people while forging a more complex, ethically rich political philosophy.

In short, we ought to hitch our wagons to what one might call the "victimhood-industrial complex." If we don't, some warn, the millennials will all run to progressivism.

Now if you don't think this victimhood-industrial complex exists, ask Jonathan Rauch. In his 1993 book *Kindly Inquisitors*, he argued that free speech was quickly being lost to politically correct censors—especially in higher education. Twenty-plus years later, Rauch says, free speech in the academy is virtually dead:

Unlike most workplaces, universities are at the heart of intellectual life, and so the bureaucratization of speech controls there is more disturbing. In American universities, the hostile-environment and discriminatory-harassment doctrines have become part of the administrative furniture.

And for their student bodies, so also have diversity training, sensitivity seminars, and entire majors devoted to inculcating the victimhood ethos—all of which allows

victim groups to justify a dangerous promiscuity with power. That's one reason libertarians should take caution.

Prime Virtue

To take any moral high ground on matters of subjection, we don't need to adopt the language or agenda of the victimhood-industrial complex. Indeed, that complex (double entendre intended) is part of progressive intellectuals' designs on power. It is intended to fragment people along contrived, collectivist lines. And we can do better.

I normally don't make arguments based on ideological purity, but here's an area in which pragmatic and philosophical considerations prompt us to look to our own tradition for answers. That

is, we libertarians already have a virtue that works. It captures the best of our humane concern for others and discards the bromides, the claptrap, the unearned guilt of the dangerously collectivist "social justice" movement.

That virtue is toleration.

Toleration is what separates libertarianism from competing doctrines, at least when it comes to society and culture. If some principle of non-harm orients our political compass, toleration is a moral guide. I realize that might sound a little funny to anyone who's spent five minutes on Facebook with a rabid Rothbardian. And, of course, self-styled progressives bandy the term about, too. But the classical liberal form is the original—and most resilient—sense of toleration (or tolerance), because it does not carry with it any baggage that might corrode the rule of law, or the freedoms of expression and conscience.

What has liberated great swaths of humanity is not just the idea that people should be as free as possible; it's the idea that in order for this great pluralist project to succeed, we have to embrace a virtue that allows us

**THE VICTIMHOOD
ethos allows victim groups to
justify a dangerous promiscuity
with power.**

to coexist peacefully with others who may not share our particular ideas about the good life (values, religion, ethnicity, culture, or lifestyle preferences). Classical liberals have always accepted the idea that people are seekers and strivers looking for something. Of course there are a billion paths to happiness, life meaning, and well-being. Accepting that, we have to put the *pursuit* of happiness first, which requires admitting that we're all different, one to the next, and we will take different paths.

Toleration starts with conscientiously agreeing not to obstruct another's path.

Our toleration is also dispositional. A more robust toleration involves a mien of empathy, respect, and open-mindedness. It requires us not just to leave other people alone in their pursuits, but also

to consider their perspectives and circumstances. The toleration of social justice is often not so tolerant. It requires conformity, censorship, and consensus.

So, if by "check your privilege" one means *try to imagine what life might be like for someone in different circumstances*, then great. If by "check your privilege" you're accusing someone of being part of an oppressor class just because she hasn't been designated a victim, then you've thrown toleration out with the bathwater. This formulation seems to mean *your rights and opinions are invalid and you have no real complaints or suffering because you belong to X group*. Or, more to the point: *You are obligated to pay because people who look like you in some ways did bad things at some point*.

The Apparently Perfect vs. the Good

So what does it mean to coexist peacefully with others? And doesn't toleration have limits? Toleration does not come without its paradoxes, real or apparent. It may be difficult to tolerate the intolerant, for example. But

radically free speech and a thick skin are about the best we can do—though such may include fiercely criticizing others for their intolerance in a world without any bright line between disrespect and disagreement. As libertarians, we might draw our own line and *not* tolerate those who regard themselves as “entitled to force the value [they hold] on other people”—and we can use any peaceful means to thwart them in their attempts to disrupt others’ life plans.

No, toleration is neither a perfect virtue nor the only virtue, but it does the work of peace.

What Liberal Toleration Is Not

Our conception does not require envy or guilt to operate. Nor does it require State censorship or wealth redistribution. It doesn’t require that we adopt cultures and communities we don’t like, but rather acknowledges that those communities and cultures will emerge. Our conception of toleration requires only acknowledgement of differences coupled with that disposition to openness.

Our conception of toleration does not accept the murky idea of victim classes. The problem here is the term “class.” Some member of a class may not be a victim at all. Besides, accepting the idea of victim classes implies that there are perpetrator classes—that if group X has frequently been discriminated against, or abused outright, then all members of group Y are liable for those actions (and, indeed, it’s fair to assume their perspective is tainted).

What’s more, the common acceptance of the idea of a victim class can perpetuate a psychology of victimhood among the members of that class, which holds people back. Some theories of social justice go as far as to require that non-members of the victim class accept that they are victimizers by default. While it is possible to institutionalize mistreatment of a group, justice requires us to dismantle

the rot in that institution and to stop putting people into groups at all, not to violate other groups for the sake of abstract redress, or to handicap the excellent, or to reward something irrelevant such as someone’s race.

Proponents of the idea of victim classes view “social justice” as a vague cluster of goods, words, and opportunities to be filtered and apportioned equally among people by an anointed few. What isn’t vague, though, is the power they demand and the privilege they mean to extract. By contrast, proponents of liberal toleration require only that you treat individuals with respect, and first, “do no harm.”

Our conception does not hypostasize or collectivize people—treating them as automatically deserving either special consideration or zealous sensitivity, which is

supposed to accrue by virtue of the ascribed group membership. Such collectivism lobotomizes individuals. It robs them of their identities and pushes them to accept identities fashioned by others. It strips them of their individual circumstances. It thins their

sense of personal responsibility. And it ignores the content of their character.

Our conception does not demand a perpetual pity party, nor invent reasons to be offended, nor cause one to contrive an invisible latticework of injustice that extends up and out in every direction. Instead, our conception embodies the liberal spirit of “live and let live.” The more people who think that way, the fewer victims—real and imagined—there will be. Toleration needs neither rectitude nor guilt, so demonstrations of piety are also unnecessary. It’s a position that can be held by those who think all people are basically good, or that all people are basically lousy. But that means setting aside the business of sorting out victims (the righteous) and oppressors (the sinful).

Finally, as our conception does not require the ubiquity of injustice, it allows for the flourishing of real community. Real community needs real toleration, free speech, and the

**WHAT’S MORE,
the common acceptance of the
idea of a victim class can perpetuate
a psychology of victimhood which
holds people back.**

inevitable frictions that come along with our colliding perspectives. It is from those frictions that better ideas and more favorable consensuses can emerge—at least if you believe John Stuart Mill and Jonathan Rauch.

Taking Back Toleration

The old adage says: To a hammer, everything looks like a nail. To someone who has been educated in the victimhood-industrial complex, everything looks like social injustice.

Toleration might ask more of us sometimes, such as that we not only acknowledge the differences among people but to try to see things from others' perspectives (empathy). Taking on that view helps us consider how we might reduce all the frictions and figure out the kind of people we want to be. This is not a political doctrine, however. It's more like remembering the golden rule. It's about respecting one's neighbor—be he Sikh or freak or breeder. It's about acknowledging what evil, intolerant people have done in the past, but also moving on from it.

Toleration even requires us to put up with—politically, at least—the ugliest forms of expression. As Rauch reminds us, “The best society for minorities is not the society that protects minorities from speech but the one that protects speech from minorities (and from majorities, too).” And that's hard. One has to listen to different voices, taking into account the circumstances of time, place and person, as opposed to treating people as caricatures. Whatever one's intentions, we must remember that a lot of evil has flowed from forgetting that people are individuals.

Of course, none of this is to argue that racism or sexism or homophobia don't exist, or to deny that people have been mistreated throughout history for reasons that seem arbitrary and cruel to us. It is not even to deny that people are mistreated *to this very day*—often for those

same arbitrary reasons. Rather, my argument is intended to show that a libertarian principle of respect for persons requires toleration, not identity politics.

The great thing about libertarianism is that it is a political superstructure in which most other political philosophies can operate. No other political philosophy features such built-in, full-fledged pluralism. The other basic political philosophies have built-in asymmetries. Progressivism does not tolerate libertarians living as they wish, but libertarianism tolerates progressives living as they wish (with all the caveats about voluntary participation.) And as Hayek said about the conservative: “Like the socialist,

he is less concerned with the problem of how the powers of government should be limited than with that of who wields them; and, like the socialist, he regards himself as entitled to force the value he holds on other people.”

So progressives are intolerant of economic freedom. Conservatives are intolerant of social freedom. Only libertarianism maximizes varying conceptions of the good. Nothing under libertarian doctrine precludes embedded communities of any political stripe, and in a free society, we ought to tolerate these clusters as long as they guarantee a right of exit. Indeed, our only requirement would be that if any such community is to persist, it should do so in a matrix of persuasion rather than of coercion.

If we take back toleration, we have a moral high ground that is both appealing to younger generations and works to the benefit of all people. We don't have to live with the contradictions of progressive social engineers or with conservatives' half-hearted deference to individual liberty. By practicing real toleration, we can dispel all the various “isms” while leaving people their life plans.

And that's good enough for libertarianism. **FEE**

Max Borders (mborders@fee.org) is the editor of The Freeman and the author of Superwealth.

WHATEVER ONE'S intentions, we must remember that a lot of evil has flowed from forgetting that people are individuals.

Dispatch from Ukraine:

A journalist describes the unrest from inside

Note: Events in Ukraine in recent weeks have gripped the hearts of people around the world. We at FEE are appalled at the repressive measures being taken by the Ukrainian state against protesters, particularly young people who are active there in the movement for peace, liberty, and representative government. We sincerely hope that the brutality of statism, on vivid and tragic display at this very moment in Ukraine, will be crushed by the forces of freedom and with a minimum of bloodshed. Below, we share with our readers a moving account of what's happening from a Ukrainian journalist who is in Kiev on the front lines of the current upheaval. We withhold his name for his protection.

—Lawrence W. Reed, FEE president

Dear friends—especially foreign journalists and editors,

These days I receive from you lots of inquiries requesting descriptions of the current situation in Kiev and overall in Ukraine, express my opinion on what is happening, and formulate my vision of at least the nearest future. Since I am simply physically unable to respond separately to each of your publications with an extended analytical essay, I have decided to prepare this brief statement, which each of you can use in accordance with your needs. The most important things I must tell you are as follows.

During the less than four years of its rule, Mr. Yanukovich's regime has brought the country and the society to the utter limit of tensions. Even worse, it has boxed itself into a no-exit situation where it must hold on to power forever—by any means necessary. Otherwise it would have to face criminal justice in its full severity. The scale of what has been stolen and usurped exceeds all imagination of what human avarice is capable.

The only answer this regime has been proposing in the face of peaceful protests, now in their third month, is violence, violence that escalates and is “hybrid” in its nature: Special forces attacks at the Maidan (the central square of Kiev, the Ukrainian capital) are combined with individual harassment and persecution of opposition activists and ordinary participants in protest actions (surveillance, beatings, torching of cars and houses, storming of residences, searches, arrests, rubber-stamp court proceedings). The keyword here is intimidation. And since it is ineffective, and people are protesting on an

increasingly massive scale, the powers that be make these repressive actions even harsher.

The “legal base” for them was created on January 16, when the Members of Parliament, fully dependent on the President, in a crude violation of all rules of procedure and voting, indeed of the Constitution itself, in the course of just a couple of minutes (!) with a simple show of hands, voted in a whole series of legal changes which effectively introduced dictatorial rule and a state of emergency in the country without formally declaring them. For instance, by writing and disseminating this, I am subject to several new criminal code articles for “defamation,” “inflaming tensions,” etc.

Briefly put, if these “laws” are recognized, one should conclude: In Ukraine, everything that is not expressly permitted by the powers that be is forbidden. And the only thing permitted by those in power is to yield to them. Not agreeing to these “laws,” on January 19 the Ukrainian society rose up, yet again, to defend its future.

Today in television newsreels coming from Kiev you can see protesters in various kinds of helmets and masks on their faces, sometimes with wooden sticks in their hands. Do not believe that these are “extremists,” “provocateurs,” or “right-wing radicals.” My friends and I also now go out protesting dressed this way. In this sense my wife, my daughter, our friends, and I are also “extremists.” We have no other option: We have to protect our life and health, as well as the life and health of those near and dear to us. Special forces units shoot at us, their snipers kill our friends. The number of protesters killed just on one block



snig/Shutterstock

in the city's government quarter is, according to different reports, either 5 or 7. Additionally, dozens of people in Kiev are missing.

We cannot halt the protests, for this would mean that we agree to live in a country that has been turned into a lifelong prison. The younger generation of Ukrainians, which grew up and matured in the post-Soviet years, organically rejects all forms of dictatorship. If dictatorship wins, Europe must take into account the prospect of a North Korea at its eastern border and, according to various estimates, between 5 and 10 million refugees. I do not want to frighten you.

We now have a revolution of the young. Those in power wage their war first and foremost against them. When darkness falls on Kiev, unidentified groups of "people in civilian clothes" roam the city, hunting for the young people, especially those who wear the symbols of the Maidan or the European Union. They kidnap them, take them out into forests, where they are stripped and tortured in fiercely cold weather. For some strange reason the victims of such actions are overwhelmingly young artists—actors, painters, poets. One feels that some strange "death squadrons" have been released in the country with an assignment to wipe out all that is best in it.

One more characteristic detail: In Kiev hospitals the police force entraps the wounded protesters; they are kidnapped and (I repeat, we are talking about wounded persons) taken out for interrogation at undisclosed locations. It has become dangerous to turn to a hospital even for random passersby who were grazed by a shard of a police plastic grenade. The medics only gesture helplessly and release the patients to the so-called "law enforcement."

To conclude: In Ukraine full-scale crimes against humanity are now being committed, and it is the present government that is responsible for them. If there are any extremists present in this situation, it is the country's highest leadership that deserves to be labeled as such.

And now turning to your two questions which are traditionally the most difficult for me to answer: I don't know what will happen next, just as I don't know what you could now do for us. However, you can disseminate, to the extent your contacts and possibilities allow, this appeal. Also, empathize with us. Think about us. We shall overcome all the same, no matter how hard they rage. The Ukrainian people, without exaggeration, now defend the European values of a free and just society with their own blood. I very much hope that you will appreciate this.

Pray for Ukraine! **FEE**

The Individualist

An interview with Anne Wortham

Anne Wortham is an associate professor of sociology at Illinois State University. She is a rare voice in the liberty movement—a scholar and rogue academic. She wrote her first piece for The Freeman in 1966. And we are happy she has agreed to offer her voice to these pages once again.

The Freeman: We have seen Bill Moyers’s interview with you (tinyurl.com/ltaxta9). (It was clear he considered you odd.) In that video, you suggest some of the ways the civil rights movement had gone down the wrong path since overturning Jim Crow. It’s now 20-plus years since the Moyers interview. Do you think the civil rights movement has made any positive course corrections? Is there anything you have revised in your thinking since that interview?

Wortham: Odd, indeed. After the two-hour session with Moyers, he said to me: “You know, you are dangerous.” I think he was facetiously referring to the fact that views like mine jeopardized

the wish of black leaders to have the public believe that the black community was of one mind regarding their political and economic interests and their view of black history and race relations.

Throughout the twentieth century blacks have had the opportunity to present their demand for civil rights in a way that would move Americans and their government toward a greater appreciation for individual rights. However, in every instance, black and white civil rights advocates have reinterpreted the Constitution as protecting group rights to justify and expand the welfare state. Rather than liberating blacks from their dependency on the State that began with the New Deal, and respecting them by insisting that they take responsibility for their freedom, civil rights leaders, politicians, and the American people proceeded to expand New Deal policies with Great Society policies that have cultivated the American people’s expectation that the costs of an individual’s risky behavior will be borne not

by the individual but by a pool of people—by taxpayers in general, by “the rich” in particular, by society at large.

Blacks are now a mature one-party interest group, led by a civil rights industry with its own congressional caucus that uses the victimization of blacks in the past as justification for preferential treatment of blacks in the present. The black establishment’s racialization of politics has been so successful that a black person who criticizes

President Obama is condemned as a traitor and a white critic is vilified as a racist. While the motives and character of whites are openly questioned, and their mobility is seen as the privilege of being

white, explaining the plight of disadvantaged blacks in terms of attitudes, values, and resulting behavior is construed as “blaming the victim.” Thus, racial dialogue relies on structural factors like low incomes, joblessness, poor schools, and bad housing. As sociologist Orlando Patterson argues, academics who are “allergic to cultural explanations” are unable to explain why so many young unemployed black men have children whom they cannot support, or why they murder each other at nine times the rate of white youths. Neither can they explain how “good kids” emerge from bad neighborhoods.

The Freeman: And media spectacles seem to reopen old wounds.

Wortham: Whenever there is a crisis that is defined as exacerbating the wound of racism, the air is filled with the ritualistic cry for a “conversation on race.” The problem with the call for a conversation is that it requires that whites and blacks lie to each other. The conversation is

I VERY MUCH
resent being viewed as a source
of validation by virtue of my racial
and gender categories.

stymied by two pathologies: the self-indictment of whites who were raised to believe that acknowledgment of collective guilt is a badge of honor, and the self-indictment of minorities who were raised to believe that collective victimhood is a badge of moral superiority. With such irrational sentiments on the part of both whites and blacks at their disposal, “diversity” merchants and political race hustlers can play their deuces wild in perpetuating the lies that all whites are variously racist, and that black race consciousness is a rational response to inherent white racism, and should therefore be tolerated.

Another sorry consequence of the civil rights movement was the equation of “American” with “white” or “gringo.” Doing so makes it impossible for nonwhites to assert their American identity without the fear of being stigmatized as “Uncle Toms,” “Aunt Jemimas,” “Oreos,” “Twinkies,” “coconuts,” or “apples,” and basic sellouts to “the enemy.” On the other hand, whites who assert the primacy of their American identity risk being accused of using their patriotism to cover up their alleged racism and are seen as basically hostile opponents to the interests of minorities. The racialization of the idea of America particularizes it to the extent that even commemorative activities such as Fourth of July parades are seen as celebrations of racial dominance and ritual weapons of class domination. George Washington and Abraham Lincoln are seen as blown-up images of “white” virtues. Recently, I was stunned to learn that black students in one of my courses believe that the American Dream is meant for white people. That any black child has inculcated this racialization of aspiration is truly a tragic failure of black parents and the civil rights establishment.

The Freeman: The movement for individual liberty has improved in many great respects. One such respect is that there are a lot more women and ethnic minorities who have become inspired by our ideas. This diversity is good



for our movement in an important sense. And yet there is a sense of “diversity” against which you bristle. Can you tell our readers the difference between healthy diversity and the sort of “diversity” agenda you see being inculcated on your campus?

Wortham: It’s good that individuals who happen to be women and members of ethnic minorities are inspired by the movement for individual liberty. However, it is not good to make the validity of the ideas of liberty or the legitimacy of the movement dependent on the number of women and minorities involved. Making the number of adherents or their background the test of the truth of a set of ideas is

IT IS NOT GOOD to make the validity of the ideas of liberty or the legitimacy of the movement dependent on the number of women and minorities involved.

a grave logical fallacy, and advocates of liberty would be gravely mistaken to be defensive about the racial and gender composition of their movement. Doing so would contradict the causal linkage of a free society and free minds, and thereby call into question the integrity of their advocacy, which

is what their opponents desire. The true movement of liberty is a movement of ideas, not of blood and sex, and those involved must know that they cannot defend their cause by employing the same pre-modern concrete-bound reasoning that guides their opponents.

I must tell you, I very much resent being viewed as a source of validation by virtue of my racial and gender

categories. It evades the fact that I represent myself, that my commitment to the principles of liberty rejects the equation of individuals with statistical categories. It is bad enough that race-conscious collectivists portray my defense of liberty as a cover for the rejection of my race. But it would be doubly insulting and ludicrous for white advocates of liberty to view my presence among them as proof that they are not racists—as though they allowed me to their ranks. It is also disturbing when white freedom supporters judge the validity of their ideas by what pro-freedom black writers, politicians, and pundits say. Their thinking is: “If Thomas Sowell, Walter Williams, or Dr. Ben Carson says it, it’s okay for me to say so as well.” My response to this attitude is: Assume ownership of your own thinking.

You ask about my view of diversity. Many people think diversity is just another term for the pluralistic ideal of joining unity with diversity as suggested by the motto of the United States, *e pluribus unum*. Thus, most Americans, including many advocates of individual liberty, are reluctant to question the validity of diversity or the policies and programs established in its name. But diversity and pluralism are not synonymous. As the Pluralism Project at Harvard University points out, diversity is given; pluralism is a response to diversity. Pluralism joins a common society with diversity through engagement among diverse groups, tolerance, the encounter of different commitments, and give-and-take dialogue that reveals shared understandings and differences. Other historical responses to diversity are exclusion and assimilation. The exclusionist response is to shut the door to “alien” outsiders. Assimilationists, on the other hand, demand that newcomers conform to the dominant culture and discard the particulars of their cultures of origin.

Advocates of diversity and multiculturalism view their movement as replacing assimilation with government-subsidized preservation of particular subcultures; they promote the mistaken notion that American society depends on the right of groups to preserve ethnic differences and maintain collective cultural identity and solidarity. Their widely shared assumption that the nation derives strength from the diversity of its population fails to see that diversity and its resulting pluralism are consequences of a free and open society, not its essential defining attributes. An open society is distinguished by

the guarantee of the right of individuals to choose the associations they wish to form or join, not the right of their membership groups to survive.

I would not use the term “healthy” to describe diversity or pluralism because it suggests that society is equivalent to or analogous to an organism, which it isn’t. One could use the terms “functional” or “dysfunctional” to describe diversity in terms of its consequences for the stability and integration of society. I make the distinction between individualist and collectivist pluralism based on their different perspectives of human nature and the rights that are the conditions for nonviolent social interaction and relationships. A parallel distinction is between unplanned and engineered pluralism.

The Freeman: So pluralism for you is an individualist project?

Wortham: Yes. Individualist pluralism envisions the United States as a unified nation composed of native-born citizens and candidates for citizenship of diverse beliefs, interests, group affiliations, lifestyles, and cultural backgrounds. Cultural differences are tolerated and voluntarily preserved within the larger framework of the protection of individual rights that legitimize the nation’s social, political, and economic institutions. It is based on the freedom of individuals to adopt the values, beliefs, or practices of any culture they wish, and to voluntarily form and maintain groups through which to pursue goals that do not require the violation of individual rights. It depends on a political system that prohibits the use of State power to preserve a group by keeping members inside or preventing outsiders from joining, or to alter a group by forcing the inclusion of outsiders.

Collectivist pluralism views the United States as a nation whose citizens are viewed not as the individuals they are but as statistical representations of competing interest groups, the most salient of which are ethnic groups. It denies the proposition that persons from different backgrounds can be united by their legal status as citizens possessing individual rights and by ideas and values that transcend the interests, beliefs, and norms of particular groups and subcultures. Instead of promoting interpersonal and intergroup relations based on universalistic criteria such as individual responsibility, rationality, self-determined development of character, and individual rights, corporate pluralism reinforces cultural particularism, which deals

with people as the embodiment of their particular cultural group. It is less interested in preserving individual liberty than in preserving specific cultures and ethnic groups by recovering and reinforcing historical and traditional groups and communities. In its least coercive form, it is premised on the expectation that individuals will wish to maintain a majority of their primary relations within their ethnic subcultures. But even in this form, it seeks to regulate factors, such as education, that may influence an individual's choice of affiliation. It seeks to reinforce the boundaries that divide hereditary groups and to promote solidarity within those groups without regard for what individual group members may desire.

Diversity advocates say they are opposed to the assimilationist ideal of a homogeneous superculture; however, this stated intention obscures the fact that the actual targets of their opposition, whether recognized or not, are the trans-ethnic orientation of voluntary pluralism and the individual rights on which it depends. Their corporate pluralism not only fosters the preservation of ethnic differences, but is employed as the basis for the distribution of social and economic resources. Whereas individualist pluralism restricts the principle of equality to equality of individuals before the law, corporate pluralism demands political, social, and economic equality for groups designated as underrepresented in various contexts. Rather than encourage the tolerance of differences among individuals, it stresses differences among groups of people and promotes intolerance of differences within groups. The efforts of the multicultural education movement to impose "representative diversity" in the classroom and in the curriculum are fueled by this particularistic approach.

The Freeman: Can you give an example?

Wortham: According to the National Association for Multicultural Education (NAME), which bills itself as "Advocates for Educational Equity and Social Justice," the academic achievement of students depends on their development of a positive self-concept which is dependent on their knowledge of the histories, cultures, and contributions of diverse groups. NAME believes that such education prepares students "to work actively toward structural equality in organizations and institutions by providing the knowledge, dispositions, and skills for the redistribution of power and income among diverse groups. Thus, school curricula must directly address issues

of racism, sexism, classism, linguisticism, ableism, ageism, heterosexism, religious intolerance, and xenophobia." The scheme amounts to indoctrination in collective guilt and victimhood. But NAME expects to get "structural equality" out of such irrationality and attitudinal pathology. Incredible!

The diversity agenda of collectivist pluralism is alive at ISU [Illinois State University]. Among numerous registered student organizations (RSOs) there are organizations for African students, Asian-Pacific, Latin American, Chinese, Indian, Japanese, Korean, and Taiwanese. There are several black organizations, including the Black Student Union. The Dean of Students Office has a unit called Diversity Advocacy that "provides service and support for historically underrepresented, GLBT, first generation, and/or low income students." There are scholarships for historically underrepresented and GLBT students as well as a "Safe Zone" that provides "safe spaces" on campus for GLBT persons. ISU Media Relations publishes a monthly e-newsletter, *Identity: Valuing Our Diversity*, that features news of university programs and events that center on race, ethnicity, and the LGBTQ community. The diversity environment is reinforced by organizations that share with them a progressive view of human nature and society and the statist solution to social problems.

Students learn from each other, and the university should permit the formation of groups around shared interests and experiences. But the university should not provide funds for groups based on ascriptive categories. The university is a community of learners, and thus should be a place for the gathering of minds, not the gathering of tribes. Its prime mission should be intellectual—training the mind to exercise reason and develop the habit of reasonableness in values and beliefs. It should emphasize achievement, encourage fellowship, and do nothing to foster the illogic that an educated person's ideas are predictable from his economic background, race, ethnicity, religion, or gender. It should not foster the development of ghettos of "underrepresented groups" with little interaction between them. It should institutionalize the fact that the individual must be the source of his or her own relationships, and unburdened by the labels of "majority" and "historically underrepresented." That is how things stand in my classroom.

The Freeman: In your encounters with people, what

have you found to be the most effective way to disabuse them of crude collectivist identifications like those based on tribe, class, race, or country?

Wortham: Although I am committed to explicating and promoting ideas of freedom, I gave up trying to disabuse people of their collectivism long ago, and I don't look for like minds at ISU. My silent nonconformity to tribal expectations of me as a black female does not create a context in which I can participate in a discourse on the validity of those expectations. My lack of engagement is statement enough. During my visit to the university as a candidate for hire, the sociology department held a reception for me and invited members of the Association of Black Academic Employees (ABAE). Apparently, they wanted either to impress me with this show of racial diversity, or they wanted to provide me with the comfort of knowing there were people on campus who looked like me. Of course little did they know that since my days in the Peace Corps I had worked comfortably in environments in which I was the only black person or one of two. After I joined the faculty, ABAE added my name to its mailing list; I receive notices of meetings and other activities, but I do not respond. I am sure my lack of participation is noticed, but no one has pressured me to join. Becoming a member would require me to agree with ABAE's members that the organization is necessary, and I cannot do that.

One might think that given my philosophy, political ideology, and social science methodology, I am continually in debates with colleagues. In fact, I rarely engage in debates about my political views or sociological approach. The only face-to-face debate of significance I've participated in was at the 1992 convention of the National Association of Secondary School Principals. I debated the merits of multicultural education and the Afrocentric curriculum with Molefi Kete Asante, professor and chairperson of the department of African-American studies at Temple University and a prominent advocate of Afrocentrism in education.

Every hour I spend in the classroom is an encounter with the collectivist mindset of the majority of my students. One of my saddest teaching experiences is to witness black students in a course perk up whenever I say anything pertaining to the black community. It is truly tragic that their race consciousness is so intense that for many of

Defending Veronese

Maryann Corbett

("Feast in the House of Levi," ca. 1573, formerly titled "Last Supper")

I.

What has he done, poor terrified pittore,
to end up haled before this stern tribunal?
He's painted the Last Supper as the glory

of Venice. Sculpted sightlines into archways,
pigments into marble colonnades,
costume, color, and sweep into the marches

of banqueters, gesticulating servants,
a liveried dwarf, a cat who bats a bone—
just there, below the lace edge of the linens—

a feast for the eyes, for the refectory wall
of the rich house that paid well to enjoy it,
the monastery of Saints John and Paul.

How, in an eyeblink, old men's views can change!
All art's upended. Now they're blasphemies,
those drunkards, dwarfs, and soldiers he's arranged

for drama. Now they mock the sacred setting
where all of Europe's staged an argument.
And so our Paolo stands stiff-legged, sweating

answers, babbling, barely making sense.
Artists, he blurts, use license, *just the same*
as poets and madmen. This is his best defense:

cloudy unknowing. He'll slither free of blame
by promising repentance, and he'll change
nothing at all except the picture's name.

Maryann Corbett is the author of several books of poems, most recently Credo for the Checkout Line in Winter (Able Muse Press, 2013). She is a recipient of the Lyric Memorial Award, the Willis Barnstone Translation Prize, and the Richard Wilbur Poetry Award.

For none but the inquisitors mistook
 his real intentions. It's his light that's prayer.
 Color and movement: prayer. To make us look
 is what he wants. No vexed theology
 of sacrament, of *hoc est enim corpus*,
 challenges those who stroll the Gallerie,
 only the gorgeous tumult of that sky.

II.

And this is grace. This is the catechesis
 we need now, for the kind of sight we work with
 here, where the world kabooms. Where all we see is
 each day's amazement blasting at our eyes,
 we need to master finding the still place,
 seeing through bloom and buzz to mysteries
 where not quite at the focal point, the Holy,
 wordless and calm, waits now for our attention.
 That gesture that saves lives, that food of souls,
 keeps low to the table, and the troubled face
 is lit with a nimbus we have to squint to see,
 framed as it is by backlit cumulus
 at twilight, hung above the port of Venice.

them a topic is of little interest unless it can be shown to have relevance to their experiences as blacks. Of course I do not teach to the ethnicity of students, but they do learn that as a factor in social ranking, race consciousness is not unique to white Anglo-Saxon Protestants. The class consciousness of students is another blockage to learning that I encounter. They learn from the courses taught by my colleagues that capitalist class is exploitative and that its investment assets are unearned, and they simply block out anything I say to the contrary. One student told me that despite her understanding of the flaw in Marx's labor theory of value, and in his predictions of a worker's revolution and the establishment of a communist utopia, she is still inspired by the vision in the *Communist Manifesto* and reads it regularly.

My discourse with ISU colleagues does not involve a defense of my views. When I joined the sociology department some faculty members viewed the tapes of the Moyers interview, but only one person told me what he thought about it. Although I have written critical analyses of multiculturalism, the stigmatization of white males, the ideology of victimhood, denials of black mobility and assimilation, and Obama's conception of social justice, I have not had conversations about these issues with my department colleagues. Generally, our exchanges are limited to life experiences, teaching issues, brown-bag seminar presentations of faculty members' scholarly research, and university governance. So far, only a couple of my colleagues have indicated any interest in my ideas. One of my colleagues who is a very good friend and shares my interest in NASCAR is a joy to be with, but I can't recall that we've had one conversation about our differing politics in 20 years!

Ever since graduate school my communication with philosophical comrades has been primarily through correspondence, and the occasional opportunity to participate in seminars and conferences convened by pro-liberty organizations. When I made a presentation on social justice at the Philadelphia Society conference earlier this year, it had been over three years since I had vocally shared my ideas of liberty with anyone. It was quite intriguing and exhilarating to be in conversation with conferees, and to enjoy the intellectual visibility that came from reciprocity of our engagement. **FEE**

Cage Complex

Why is America's prison population soaring?

WENDY MCELROY

The United States leads the world, by a large margin, in the production of at least one thing: prisoners. We have 25 percent of the world's inmates, but just 5 percent of the world's population.

Where do they come from? Well, since the Anti-Drug Abuse Act of 1986, the number of American inmates has risen from approximately 300,000 to a currently estimated 2.3 million. This statistic points to the role of drug-related victimless "crime" in creating prisoners.

There are other sources. The "private prison complex" is a creation of crony capitalism through which privileged corporations are paid well for the "care" of inmates and for leasing out prison labor to other businesses.

Ten percent of American prisons are now "privately" operated, for-profit businesses. Between 1990 and 2010, the number of for-profit prisons rose 1600 percent, far outpacing the growth of public ones or the population at large. The likelihood of being arrested is already higher in America than anywhere else in the world. That likelihood

will rise if the financial incentives to imprison more people continue or increase.

"Private" Prisons Insult Real Privatization

Privatization involves a transfer of ownership and control from the State to a private entity; post offices and public lands are commonly used examples. In a free market, a privatized business competes for customer dollars without any legal advantages or other privileges. Under crony capitalism, the "privatized" business enjoys legal privileges and other advantages such as tax funding.

"Private" prisons are run by corporations to which government outsources the care of inmates. The corporation receives X tax dollars for each prisoner, quite apart from the actual cost of care. This builds in an incentive to skimp on services such as food and medical care. And, indeed, most prison contracts include a "low-crime tax" or "lockup quota." This system means taxpayers



compensate the corporation for empty cells if the number of prisoners falls below a set quota. A recent report, “Criminal: How Lockup Quotas and ‘Low-Crime Taxes’ Guarantee Profits for Private Prison Corporations,” found the average “occupancy guarantee” to be 90 percent; in four states, it is between 95 percent and 100 percent. Thus the “private” prison is guaranteed a tax-funded profit.

Prisoners’ labor is also leased out to government agencies or to major corporations. Prison labor reportedly produces 100 percent of military helmets, shirts, pants, tents, bags, canteens, and a variety of other equipment. Prison labor makes circuit boards for IBM, Texas Instruments, and Dell. Many McDonald’s uniforms are sewn by inmates. Other corporations—Microsoft, Victoria’s Secret, Boeing, Motorola, Compaq, Revlon, and Kmart—also benefit from prison labor.

The “private” prison industry is *private* in the same sense that crony capitalism is *capitalist*. Namely, *not at all*. It is the antithesis of a truly private industry that competes in the free market, does not accept tax funds, and cannot compel labor. By contrast, the “private” prisons enjoy a monopoly over a service that is created by laws and sentencing policies. They receive tax money and preferential treatment. They exploit captive labor through circumstances similar to plantation slavery.

In an article titled “The Prison Industry in the United States: Big Business or a New Form of Slavery?” by Global Research, the authors describe the advantages of leasing prison labor.

They don’t have to worry about strikes or paying unemployment insurance, vacations or comp time. All of their workers are full-time, and never arrive late or are absent because of family problems; moreover, if they don’t like the pay of 25 cents an hour and refuse to work, they are locked up in isolation cells. [Note: payment rates vary and are cited as high as \$2 an hour.]

The beneficiaries of “private” prisons are the government entities that claim to save money through outsourcing,

the politicians who facilitate the contracts, the “private” prison corporations, and the corporations who lease prison labor.

The victims of “private” prisons are the coerced workers and the true private sector, because the corporations that lease extremely cheap prison labor can undercut their competitors. The tractor-trailer division of Lufkin Industries in Texas provides a dramatic illustration. Its competitor, the Direct Trailer and Equipment Co., began to offer the same basic product for about \$2,000 less than Lufkin. It could do so because it enjoyed both prison labor and state subsidies; for example, Direct Trailer paid a nominal fee (\$1 a year) to use manufacturing facilities within the prison compound. Lufkin’s division went out of business, laying off 150 people because they could not outcompete prison labor.

Incentives to Increase the Prison Population

Louisiana, too, is instructive. A *Times-Picayune* article, “Louisiana Is the World’s Prison Capital,” reported, “The state imprisons more of its people, per head, than any of its U.S. counterparts. First among Americans means first in the world. ... The hidden engine behind the state’s well-oiled prison machine is cold, hard cash. A majority of Louisiana inmates are housed in for-profit facilities, which must be supplied with a constant influx of human beings or a \$182 million industry will go bankrupt.”

One in 86 adults in Louisiana is doing time. The article hints at the reason: the entanglement of State and crony enterprise.

In a uniquely Louisiana twist, most prison entrepreneurs are rural sheriffs, who hold tremendous sway in remote parishes.... A good portion of Louisiana law enforcement is financed with dollars legally skimmed off the top of prison operations. If the inmate count dips, sheriffs bleed money. Their constituents lose jobs. The prison lobby ensures this does not happen by thwarting nearly every reform that could result in fewer people behind bars.

These and similar incentives have created “the prison-industrial complex.” In 2008, the human cost of the complex was starkly revealed in what was called the “kids for cash scandal.” The private prison company Mid-Atlantic Youth Services Corp. ran juvenile facilities in Pennsylvania. Two judges were found guilty of pocketing \$2.6 million for sending approximately 2,000 children to the facilities. Even first-time offenders were given harsh sentences for trivial offenses such as mocking a principal on social media. Several hundred of the judges’ convictions were overturned. But expunging records could not help a traumatized child, a first-time offender, who committed suicide.

Corporations have a long history of providing specific services, such as food preparation, to prisons. This tradition stretches back to well before the drug war. During the early 1980s recession, prison overcrowding spiked and tax revenue declined, opening the door to expansion. In 1984, the Corrections Corporation of America (CCA) assumed total control of a Tennessee detention facility. This was the first such contract in the United States.

Prisons have continued to face the same dilemma: overcrowding, scarce funding, and employee cutbacks. The *Times-Picayune* describes Louisiana’s response: “In the early 1990s, when the incarceration rate was half what it is now, Louisiana was at a crossroads.” The state was court-ordered to correct overcrowding. There were two choices: fewer inmates or more prisons. The state chose the latter by “encouraging sheriffs to foot the construction bills in return for future profits. The financial incentives were so sweet, and the corrections jobs so sought after, that new prisons sprouted up all over rural Louisiana.”

The inmate population has soared since.

Backlash

A backlash is underway and some opponents speak with powerful voices.

For example, labor unions decry prison work. The pressure is having an effect. Some states, like Nevada, are considering legislation to require “oversight and transparency” for “private” prisons. Other states have been shaken by reports of cost-cutting measures taken

by private prison corporations. The ACLU reported on one such prison in Ohio:

The compliance rating [with state standards] plummeted from the 97.3 percent compliance ... when publicly-owned to 66.7 percent. Auditors found outrageous violations like prisoners being forced to use plastic bags for defecation and cups for urination because they had no running water for toilets. Basic conditions were heinous, with black mold, standing water, and spoiled food found throughout the prison. ... The medical department is grossly understaffed and many prisoners go untreated.

Meanwhile, the private prison complex is entrenched. It wields lobbying clout, as do the corporations that lease prison labor.

The large “private” prison corporation, the Corrections Corporation of America, is unabashed about its plans. The 2010 CCA Annual Report stated, “We believe we have been successful in increasing the number of residents [prisoners] in our care and continue to pursue a number of initiatives intended to further increase our occupancy and revenue.” Translated from corporate speak: They plan on nabbing many more people and locking them up.

Reform

A giant step toward reducing overcrowding and the perceived need for outsourcing prisons would be to stop arresting nonviolent “criminals.” Another big step would be to require criminals who damage or steal property to pay restitution to their victims rather than be punished by incarceration.

Unfortunately, there is no profit to the State nor to crony corporations in those solutions. In the foreseeable future, the prison population of America will grow, with minor infractions drawing lengthy jail terms.

Police states are the mother of prison complexes. Whatever solutions arise will come from shining the harsh light of reality upon both. **FEE**

Contributing editor Wendy McElroy is an author and the editor of ifeminists.com.

Police Work Has Become a Racket

JEFFREY A. TUCKER



Somewhere in my bag I have an envelope that contains a bill. It was handed to me by a local policeman when I was stopped on an interstate highway in Texas. I was doing a mean 80 miles per hour in a 75-mile-per-hour zone.

So of course this great servant of the public had to stop me before I endangered the lives of so many others, including the people going 85 and 90 miles per hour who were passing me on the right and left. I got caught because—well, probably because the others were going too fast to catch.

So this guy stops me and informs me of my very bad behavior. He explains that I'm not allowed to do what I was doing and so therefore he has to give me a citation. But he assures me that this

citation does not mean that I'm necessarily guilty. This is a government of laws, not of arbitrary dictates by heavily armed people in bulletproof vests, and so therefore I have a constitutional right to a fair trial.

Or so we are constantly told.

I began pressing him on this, which I probably should not have done lest I get arrested yet again. But I couldn't help myself.

"Let's just say that I think you are wrong. I mean, you are probably right, but let's just say that I think you made this whole thing up. I can dispute this in front of the judge?"

"Yes, sir, you may. Just see the court date."

"And where is this court?"

"Right here in this county."

Of course I had to explain to him that I was headed to the airport and that I live 1,000 miles away. I asked

whether I could use Skype or Google Hangout to attend my hearing.

"I'm sorry, sir, you have to attend in person."

I continued on: "So I have to drive to Atlanta, catch a flight to Dallas, rent a car and drive 100 miles south on some particular date in order to have my rights realized? You do understand that this would cost me probably two days of work and as much as \$1,000?"

"Well," he said, "how you get to the court is up to you."

"How much is the ticket?" I asked.

He said the cost chart is printed on the citation itself. As best I can tell this will cost me about \$135. I asked whether,

if he were in my position, he would rather spend \$135 or \$1,000. He didn't answer.

So I pressed further. Let's say that I go through all of this and finally end up at the bench of Mr. Judge and declare my innocence.

What happens then?

"At that point, the judge will schedule a trial."

Now, hold on here just a moment. So I've come all this way back and spent \$1,000 and then the judge *schedules* a trial, so then I have to repeat the whole thing over again, therefore spending \$2,000?

"Again, how you travel and how you get here is your concern."

"And, in the end, I still have to pay the ticket because, after all, you are the policeman and I'm just some schmoe who says you are wrong."

At that point, just slightly annoyed with me, he wished me a good day and left. I was the idiot holding the bill, and I couldn't help but just laugh.

After all, look at what my rights come down to. I can spend \$2,000 and probably four days of my life plus \$135, or I can just pay \$135. Hmmm, hard decision! Exercising my rights can be pretty darn expensive!

THE MAJOR
function of policework now
seems to be raising money for
the government.

So let's think about this scenario for a moment. What happened to me? Did I get in trouble for endangering people, meaning that my citation improved the social order by goading us all into safer behavior? Somehow I don't think so.

I'll tell you what happened: I was taxed, which is to say I was robbed. This seems to be the major function of police work now, raising money for the government. In fact, it is something that police themselves have suggested as a way of forestalling budget cuts.

As *Police Chief Magazine* suggested after the 2008 financial crisis, there is a way to "help the survival of a city and maintain or expand police service through generating new revenue streams as a proactive approach to meet the fiscal crisis of today and the uncertain future of tomorrow."

To gain more details on how this works, I interviewed Justin Hanners, who left police work in protest against these tactics.

Of course they don't pitch it this way to the public they plan on looting. We are told that it is all about our safety. Lysander Spooner said that at least the highwayman doesn't claim that he is stealing from me for my own good. Police should have at least as much integrity.

Now, let's take this analysis a bit further. What if I don't pay? I'll get a note that says I'd better cough it up and fast, or else I will lose my license.

Let's say I do lose my license and I drive anyway. Then I get caught and get fined again.

And what if I don't pay again and still drive? At some point, I'll be jailed. And what if I try to run away while they are arresting me? I might get tased. I might get shot with real bullets. I might even die.

It all seems quite extreme, doesn't it? The death penalty for going a few miles an hour over the speed limit. But if you think about it, every law is enforced this way, all the way to the ultimate end point. Even the most seemingly innocuous law is enforced with aggression not only against property but also against life itself. This is why law, legislation, and regulation are so dangerous. In the name of bringing peace and order, they actually bring the threat of violence to bear against us all.

Sorry, officer, I don't feel helped. **FEE**

Jeffrey Tucker is a distinguished fellow at FEE, CEO of the startup Liberty.me, and publisher at Laissez Faire Books. He will be speaking at the FEE summer seminar "Making Innovation Possible: The Role of Economics in Scientific Progress."

Visit  **AMAGIMETALS.com**

to see our fantastic inventory.

Silver Eagles at impressive prices.

Custom rounds from trusted mints.

Including gold bars and coins from all over the world.



Easily purchase your investments online, or call **1-800-882-8496** to place your order with one of our friendly staff members!

open competition and entrepreneurship and discourages monopoly.” This reality is illustrated by the data, which show that CON laws not only fail to control healthcare costs but also may contribute to increasing them. Healthcare costs are 11 percent greater in CON states than in non-CON states: \$7,230 per capita in the former compared to \$6,526 in the latter (see tables below).

Ohio, which requires CONs for only one service—the introduction of additional long-term care beds. States requiring CONs on 10 or more services have average per capita healthcare costs of \$7,396—8 percent higher than the states requiring a CON for fewer than 10 services (see chart on next page).

Average Healthcare Costs Per Capita

Academic research backs up this analysis. One high-profile Duke University study in the *Journal of Health Politics, Policy, and Law* claimed that CON laws lead to higher, not lower, healthcare costs: CON laws caused a 2 percent reduction in bed supply and “higher costs per day and per admission, along with higher hospital profits.” An earlier study in the *Journal of Regulatory Economics* found that CON laws were responsible for a 13.6 percent increase in per capita healthcare costs. Scholars conclude that there is a “remarkable evaluative consensus” that CONs don’t work.

Even the government, never quick to denounce its own policies, has called for CON abolishment. According to a 2004 Federal Trade Commission (FTC) and Department of Justice (DOJ) joint report:

The Agencies’ experience and expertise have taught us that Certificate-of-Need laws impede the efficient performance of health care markets. By their very nature, CON laws create barriers to entry and expansion to the detriment of health care competition and consumers. They undercut consumer choice, stifle innovation, and weaken markets’ ability to contain health care costs. Together, we support the repeal of such laws, as well as steps that reduce their scope.

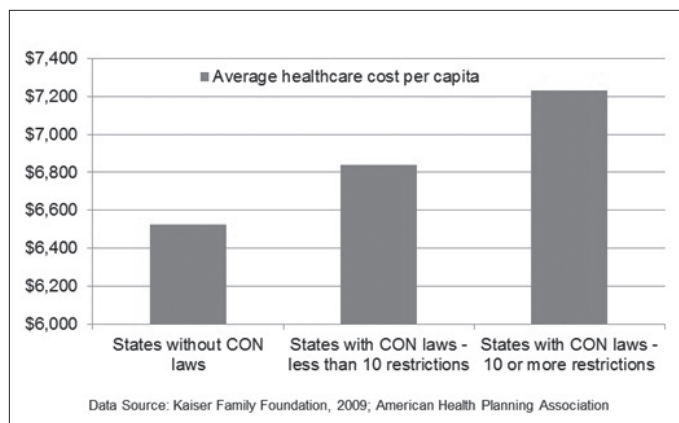
CON States		Non-CON States	
State	Cost per Capita	State	Cost per Capita
AVERAGE	\$ 7,230	AVERAGE	\$ 6,526
1 Alabama	\$ 6,272	1 Arizona	\$ 5,434
2 Alaska	\$ 9,128	2 California	\$ 6,238
3 Arkansas	\$ 6,167	3 Colorado	\$ 5,994
4 Connecticut	\$ 8,654	4 Idaho	\$ 5,658
5 Delaware	\$ 8,480	5 Indiana	\$ 6,666
6 District of Columbia	\$ 10,349	6 Kansas	\$ 6,782
7 Florida	\$ 7,156	7 Minnesota	\$ 7,409
8 Georgia	\$ 5,467	8 New Mexico	\$ 6,651
9 Hawaii	\$ 6,856	9 North Dakota	\$ 7,749
10 Illinois	\$ 6,756	10 Pennsylvania	\$ 7,730
11 Iowa	\$ 6,921	11 South Dakota	\$ 7,056
12 Kentucky	\$ 6,596	12 Texas	\$ 5,924
13 Louisiana	\$ 6,795	13 Utah	\$ 5,031
14 Maine	\$ 8,521	14 Wyoming	\$ 7,040
15 Maryland	\$ 7,492		
16 Massachusetts	\$ 9,278		
17 Michigan	\$ 6,618		
18 Mississippi	\$ 6,571		
19 Missouri	\$ 6,967		
20 Montana	\$ 6,640		
21 Nebraska	\$ 7,048		
22 Nevada	\$ 5,735		
23 New Hampshire	\$ 7,839		
24 New Jersey	\$ 7,583		
25 New York	\$ 8,341		
26 North Carolina	\$ 6,444		
27 Ohio	\$ 7,076		
28 Oklahoma	\$ 6,532		
29 Oregon	\$ 6,580		
30 Rhode Island	\$ 8,309		
31 South Carolina	\$ 6,323		
32 Tennessee	\$ 6,411		
33 Vermont	\$ 7,635		
34 Virginia	\$ 6,266		
35 Washington	\$ 6,782		
36 West Virginia	\$ 7,667		
37 Wisconsin	\$ 7,233		

Data Source: Kaiser Family Foundation, 2009

Further, the data show that states with more services subject to CON approval have higher average healthcare costs than those with fewer services subject to approval. The severity of states’ CON requirements varies widely, from Vermont, which requires CONs for 30 services, to

Dialysis users in Washington state know firsthand how CONs impact price. In response to rising rates of Type 2 diabetes, Washington’s healthcare providers sought several years ago to open new dialysis centers and expand existing

ones. Their requests for CONs were denied because they did not meet the state planning board's need requirement. Palmer Pollock, an administrator at Northwest Kidney Centers, says that as a result of this decision, dialysis prices in Washington state have skyrocketed: "Private carriers used to pay \$200 or \$300 per treatment...now it's more than \$1,000."



Maintained by Cronyism

So with all this evidence that CONs are harmful, how do they still exist?

One reason is that they find support from a classic "bootleggers and Baptists" coalition. The bootleggers and Baptists story has its origins in the days of prohibition, when two very powerful yet very different groups unwittingly teamed up to keep alcohol illegal. The Baptists favored prohibition for moral reasons while the bootleggers favored it for profiteering ones. The groups' joint support for the alcohol ban helped keep prohibition alive. Many of today's policies are similarly backed by unexpected coalitions, with CON laws being prime examples. They are kept alive by a coalition of misguided moralists supportive of any well-intended policy purporting to keep healthcare costs down and by opportunistic cronies looking to use State power to shut out new competitors who might eat into their profits.

State health planning boards are often directly or indirectly under the influence of existing healthcare establishments looking to regulate potential new entrants who may negatively impact their bottom lines. The American Hospital Association was an early supporter of

CON laws, engaging in a nationwide lobbying effort to pass them at the state level and drafting a model state law in 1972. The FTC and DOJ report reveals:

Existing competitors have exploited the CON process to thwart or delay new competition to protect their own supra-competitive revenues. Such behavior, commonly called "rent seeking," is a well-recognized consequence of certain regulatory interventions in the market.... During our hearings, we gathered evidence of the widespread recognition that existing competitors use the CON process to forestall competitors from entering an incumbent's market.

In addition to rent-seeking, CON laws also invite good old-fashioned cronyism. Perhaps the most infamous case of this was the sordid 2004 tale of the CON procurement for the building of a new hospital in suburban Chicago. According to the indictment, four parties—an official from the Illinois Health Facilities Planning Board, the contractor of a major construction company, a financier from a major investment bank, and the CEO of the proposed hospital (who was by this time wearing a wire for the FBI)—conspired to operate a classic kickback scheme wherein the hospital would receive a CON on the condition that it be built by the aforementioned construction company. In return for granting the CON, the planning board member would receive a cut of the \$100 million construction contract. Though this act was despicable, it should not be surprising that when people can't use the price system to achieve their ends, they will resort to graft and cronyism instead.

The United States is in a desperate struggle to control healthcare costs and improve access. Rather than pinning our hopes on grand plans to overhaul the system, we should first look at where we can make changes on the margin that would move us in the right direction. Abolishing CON laws—a barrier to entry that drives up price, restricts access, and is maintained by cronyism—would be a great place to start. **FEE**

Jordan Bruneau (jordanbruneau@gmail.com) is a research analyst in Washington, D.C., focusing on well-being and economic freedom.

Dystopias Seen, Dystopias Imagined

SANDY IKEDA



Two things converged in my media-viewing world recently that together made an impression on me. One was a talk show, the other a documentary.

The NSA Versus Amazon.com

On a National Public Radio call-in show about the National Security Agency's PRISM program, a caller wanted to know why people were making such a fuss over the NSA collecting this data when corporations like Amazon.com routinely record the buying habits of their customers to sell more stuff. She didn't know the difference.

As we all probably know by now, PRISM lets the federal government access and potentially read any of the countless email and telephone messages that daily pass through the Internet around the world. The radio host passed the question on to his guest who, fortunately, answered something to the effect that "Well, the government can throw you in jail, Amazon.com can't." Pretty good answer; pretty bad question.

Of course, as we have learned from Edward Snowden, the NSA can use its political power to demand that Google, Verizon, Facebook, Skype, and other private companies turn that sort of data over to it, in effect contracting out its spying operations.

Still, it's disturbing that the caller, who sounded otherwise intelligent and interested in political affairs, would ask such a question. I suppose that in large part it's because people, especially on the left, conflate "economic power"—the wealth that enables us to buy and sell on

the market—with "political power"—the initiation of legitimized violence and fraud against others. I'll expand on that in a moment.

North Korea

The other program was a PBS television documentary on *Frontline* called "Secret State of North Korea." It showed fascinating, illegal footage of daily life in what is probably the most totalitarian collectivist state on the planet. No one can freely enter or leave North Korea, and external communication of any kind is strictly controlled by the government. Violators risk imprisonment or execution and neighbors are encouraged to spy on one another.

That's surveillance with a sting!

There is of course practically no economic freedom there. There is no private ownership of the means of production that would enable ordinary people to choose whom to work for and with, where to live, and what to buy

or sell. The result has been widespread deprivation and, especially in the 1990s, starvation on a massive scale. The economy depends on large subsidies from communist China to the north, which, while highly interventionist compared to the United States, looks like paradise to average North Koreans.

I found it somewhat encouraging from the video that, as when the first cracks of freedom appeared in the People's Republic of China in the 1980s, authorities in North Korea have recently begun tolerating some rudimentary but fairly open buying and selling. You'll also see that the spirit of entrepreneurship and of challenging authority is not entirely dead there.

WHICH SHOULD we fear more, the imaginary capitalist dystopias we see in the movies or the collectivist ones that too many have actually had to live through?

The Great Conflation

Strange, but the NPR caller and the PBS documentary made me think of the movies and how they typically conflate political power with economic power.

I can run off a number of highly popular movies that have depicted what we might call “capitalist dystopias”—that is, stories about giant private companies that putatively “run everything” and trample on ordinary people. For starters there’s *Blade Runner*, the *Alien* films, *WALL-E*, and more recently *Elysium*. In these films, the rich fat cats live sheltered, privileged lives on the backs of downtrodden proletariat-citizen-slaves. The premise being: If you’ve got enough money you can hurt anybody, and the way to get that money is by squashing and swindling the rest of us.

There is, too, a long list of movies about collectivist dystopias, such as Michael Radford’s adaption of George Orwell’s *1984*.

But my point is that these imaginary capitalist dystopias typically make no conceptual distinction between becoming super-rich Bill Gates style—by selling things people want to buy at prices they’re willing to pay—and becoming super-rich Vladimir Putin style—through aggression and corruption. Moreover, the filmmaker doesn’t seem to expect the audience to know the difference either, and most of the time they don’t.

Are we today in the United States living in a capitalist dystopia run by giant corporations? Crony capitalist corporations aside, let’s try to get a sense of proportion here.

First, the net worth of the United States in 2013—its total assets minus liabilities—is around \$77 trillion. One website, which gives neither the year nor the source of its data (so beware), puts Exxon Corporation at the top of its private net-worth rankings at \$486 billion. Let’s round that up to \$500 billion. That means that the biggest corporation in America has a net worth that is about 0.65 percent of the total net worth of the United States. And even if the top 10 corporations in America each had that same net worth, which of course they don’t, they would still amount to only 6.5 percent of total net worth. Contrast that with the president of Russia, who has virtually 100 percent of

the \$2 trillion net worth of the entire Russian economy at his disposal.

Second, let’s say that we are indeed right now living in a capitalist dystopia—yet, for the vast majority of us, it really doesn’t look or feel much like the dismal world of *Blade Runner* or *Elysium*. If the hyper-capitalist world depicted in those films isn’t the present-day United States (or Japan or Germany or Singapore), then where is it? Where is or when was that dystopic Googleland? Does it exist and has it ever existed? Answer: It doesn’t and it hasn’t.

North Korea Versus Googleland

But what about the world of collectivist dystopias as depicted in *1984*, where the State and its agents openly oppress the population, conduct surveillance, and hand out cruel and arbitrary punishments? Why, they’re not hard to find at all. Examples abound: the USSR under Lenin and Stalin, China under Mao, Nazi Germany, and now of course North Korea under the Kim dynasty.

So there are the capitalist dystopias we imagine but that don’t exist and haven’t existed, and then there are the collectivist dystopias we’ve actually experienced. Which should we fear more, the imaginary capitalist dystopias we see in the movies or the collectivist ones that too many have actually had to live through? Then why do so many fear the former as much as or even more than the latter? I confess, I don’t know the answer.

I believe it was Gabriel Kolko in *The Triumph of Conservatism* who argued that opposition to “centralization, conformity, bureaucracy” and the oppression of “the little guy” motivated left-progressives a hundred years ago, regardless of whether its source was the private sector or government. The job of the libertarian intellectual then, and a job for classical liberals of each and every generation, is to explain how those things are much, much worse when done by the State, using its monopoly over violent aggression, than when done by even the largest private companies in the world. **FEE**

Sandy Ikeda (sanford.ikeda@purchase.edu) is an associate professor of economics at Purchase College, SUNY, and the author of The Dynamics of the Mixed Economy: Toward a Theory of Interventionism.

The Man Behind the Hong Kong Miracle

LAWRENCE W. REED



Three cheers for Hong Kong, that tiny chunk of Southeast Asian rock. For the twentieth consecutive year, the Index of Economic Freedom—compiled by *The Wall Street Journal* and the Heritage Foundation—ranks Hong Kong (HK) as the freest economy in the world.

Though part of mainland China since the British ceded it in 1997, HK is governed locally on a daily basis. So far, the Chinese have remained reasonably faithful to their promise to leave the HK economy alone. What makes it so free is music to the ears of everyone who loves liberty: relatively little corruption; an efficient and independent judiciary; respect for the rule of law and property rights; an uncomplicated tax system with low rates on both individuals and businesses and an overall tax burden that's a mere 14 percent of GDP (half the U.S. percentage); no taxes on capital gains or interest income or even on earnings from outside of HK; no sales tax or VAT; a very light regulatory touch; and no government budget deficit and almost nonexistent public debt. Oh, and don't forget its average tariff rate of near zero. That's right—*zero!*

This latest ranking in the WSJ/Heritage report confirms what Canada's Fraser Institute found in its latest Economic Freedom of the World Index (tinyurl.com/lvjdw7t), which also ranked HK as the world's freest economy. The World Bank rates the "ease of doing business" in HK as just about the best on the planet (tinyurl.com/kszb3ry).

To say that an economy is "the freest" is to say that it's "the most capitalist." Capitalism is what happens when you leave peaceful people alone. It doesn't require some elaborate and artificial Rube Goldberg contrivance cooked up by tenured central planners in their insular ivory towers. But if we are to believe the critics of capitalism, HK

must also be a veritable Hell's Kitchen of greed, poverty, exploitation, and despair.

Not so. Not even close.

Maybe this is why socialists don't like to talk about Hong Kong: It's not only the freest economy, it's also one of the richest. Its per capita income, at 264 percent of the world's average, has more than doubled in the past 15 years. People don't flee from HK; they flock to it. At the close of World War II, the population numbered 750,000. Today it's nearly 10 times that, at 7.1 million.

Positive Non-Interventionism

The news that the HK economy is once again rated the world's freest is an occasion to celebrate the man most responsible for this perennial achievement. The name of Sir John James Cowperthwaite (1915–2006) should forever occupy the top shelf in the pantheon of great libertarians. Some of us just write about libertarian ideas. This guy actually made them public policy for millions of citizens.

The late Milton Friedman explained in a 1997 tribute to Cowperthwaite how remarkable his economic legacy is: "Compare Britain—the birthplace of the Industrial Revolution, the nineteenth-century economic superpower on whose empire the sun never set—with Hong Kong, a spit of land, overcrowded, with no resources except for a great harbor. Yet within four decades the residents of this spit of overcrowded land had achieved a level of income one-third higher than that enjoyed by the residents of its former mother country."

A Scot by birth, Cowperthwaite attended Merchiston Castle School in Edinburgh and then studied the classics at St. Andrews University and at Christ's College at Cambridge. He served in the British Colonial Administrative Service in HK during the early 1940s. After the war he was asked to come up with plans for the government to boost economic growth. To his credit, he had his eyes open and noticed that

SOME OF US JUST write about libertarian ideas. This guy actually made them public policy for millions of citizens.

the economy was already recovering quite nicely without government direction. So while the mother country lurched in a socialist direction at home under Clement Attlee, Cowperthwaite became an advocate of what he called “positive non-interventionism” in HK. Later, as the colony’s financial secretary from 1961 to 1971, he personally administered it.

“Over a wide field of our economy it is still the better course to rely on the nineteenth century’s ‘hidden hand’ than to thrust clumsy bureaucratic fingers into its sensitive mechanism,” Cowperthwaite declared in 1962. “In particular, we cannot afford to damage its mainspring, freedom of competitive enterprise.” He didn’t like protectionism or subsidies even for new, so-called “infant” industries: “An infant industry, if coddled, tends to remain an infant industry and never grows up or expands.” He believed firmly that “in the long run, the aggregate of the decisions of individual businessmen, exercising individual judgment in a free economy, even if often mistaken, is likely to do less harm than the centralized decisions of a Government; and certainly the harm is likely to be counteracted faster.”

Ever since the days of John Maynard Keynes, economics has been cursed by the notion that human action should be distilled into numbers, which then become a “pretense to knowledge” for central planner types. In many collegiate economics courses, it’s hard to tell where the math leaves off and the actual economics begins. To Cowperthwaite, the planner’s quest for statistics was anathema. So he refused to compile them. When Friedman asked him in 1963 about the “paucity of statistics,” Cowperthwaite answered, “If I let them compute those statistics, they’ll want to use them for planning.”

If that sounds quaintly backward or archaic, let me

WHILE THE mother country lurched in a socialist direction at home Cowperthwaite became an advocate of what he called “positive non-interventionism”.

remind you that the biggest economic flops of the past century were both centrally planned and infatuated with numbers. Whole ministries were devoted to their compiling numbers because even lousy numbers gave the planners the illusion of control. But not in Hong Kong!

Statistics, no matter how accurate or voluminous, are no substitute for sound principles. Powered by an abundance of the latter under Cowperthwaite, the HK economy soared during his tenure. Writing in the November 2008 issue

of *The Freeman* (tinyurl.com/k6uqatj), Andrew P. Morriss noted that in Cowperthwaite’s decade as financial secretary, “real wages rose by 50 percent and the portion of the population in acute poverty fell from 50 to 15 percent.” It’s hard to argue with success. After

Cowperthwaite’s retirement in 1971, less principled successors dabbled in social welfare spending, but they financed it through land sales, not increased taxation. Tax rates to this day are right where the old man left them.

Postscript on the Mont Pelerin Society

In September 2014, the Mont Pelerin Society—the prestigious international organization of economists, intellectuals, and businesspeople committed to a free society—will hold its next general meeting in Hong Kong. Sir John was for many years a member of the society. As one myself, I hope to raise a glass there in his honor. We must never forget the man who proved in Hong Kong that free enterprise is good theory for many reasons, not the least of which is that, in contrast to socialism, it actually works in practice. **FEE**

Lawrence Reed (lreed@fee.org), economist and historian, is president of FEE and author of the forthcoming book, *Are We Good Enough For Liberty?*

If You Like Your Governance, You Can Keep It

You might be an anarcho-capitalist if you consider this case

DAVID J. HEBERT

People often recoil when I mention the very idea of anarcho-capitalism. It has both the A word and the C word—connected by a hyphen. That’s some heavy baggage. After all, shouldn’t that mean ruthless robber barons getting rich amid social chaos?

Not exactly.

Some great scholars have blazed a trail out of those bad connotations. For example, Don Boudreaux wrote a fantastic essay (tinyurl.com/pxl7ofg) asking whether the State must supply and enforce law. More recently, Benjamin Powell put forth an excellent case (tinyurl.com/k9gkuwd) for the premise that the proper question is whether or not anarchy is better than feasible government arrangements a given country faces. Peter Leeson and Claudia Williamson point out (tinyurl.com/jwg5jmr [PDF]) that anarchy may be the best that failed or weak states can achieve. And Leeson, along with Daniel Smith, discusses how anarchy once “governed” international trade in the eleventh century—in fact, it still largely does today (tinyurl.com/k395lqo).

This is all well and good. But people will have to feel that such a worldview works to the benefit of the least advantaged around the globe—that is, if they can get past the connotations. What about proposing anarcho-capitalism in the developed world?

In my experience, anarcho-capitalism as a solution to policy problems is usually dismissed out of hand—even among economists who are otherwise pro-market. This has always puzzled me. Anarcho-capitalism seems like a logical extension of already existing arguments for market arrangements in other contexts. For example, it’s no mystery why cable companies routinely provide poor service at high cost. They enjoy a geographic monopoly despite technological advances making the stated reasons for their monopoly status obsolete. Why can’t the same be said about governments?

Properly understood, anarcho-capitalism is not some crazy theory that “there should be no rules!” As far as what anarcho-capitalism *actually* is, let’s start with a very basic thought experiment.

You Might Be an Anarcho-Capitalist If...

Suppose that there is a household on the border between the United States and Canada. Currently, this household is a part of the United States and is thus subject to all of its laws, regulations, and tax obligations. After years of being subject to U.S. law, this household is finally fed up (perhaps as a result of some recent policy initiative that passed through Congress). Rather than simply accepting the fact that they must live under a new regime they do not like, they phone up the Canadian government and inquire about the costs and benefits of being subject to Canadian law instead. After careful deliberation, this household decides that it would be much happier as a Canadian household than as an American household. And after similarly careful consideration, the Canadian government decides that they would rather have this household as a citizen of Canada than not. As a result, this household purchases its governance from Canada instead of the United States. This much, at least, should not be terribly contentious: Governments sell governance and citizens purchase this governance by paying taxes. All that is different in this case is that the border between the United States and Canada is not exogenously defined and, instead, is determined by people shopping for their government without having to move. If this doesn’t sound contentious, then you might be an anarcho-capitalist.

Pizza in Virginia

The next step would be to consider a household in, say, Virginia. We can imagine this household similarly getting fed up with U.S. policy and wanting to purchase

governance from Canada as well. However, it would be unlikely that the Canadian government would agree to sell governance to this household: The cost of providing the services would be entirely too high. Imagine providing national defense or a police force for a small household that is geographically separate from the rest of your customers. And in fact, this is not all that difficult to imagine. For example, in college I spent many a Friday night eating Hungry Howie's pizza with friends. In Virginia, however, there is no Hungry Howie's. If I were to call the Hungry Howie's in Hillsdale, Michigan, and ask them to deliver a pizza to Fairfax, Virginia, they would (correctly) deny me service. Why? The cost of getting the pizza to me is entirely too high to be worth their effort at a price that I would be willing to pay. Governments, like pizza shops, would not have an obligation to provide governance to anyone. Only those who paid the requisite price would receive the service.

What this household in Virginia could do then is to start its own government that is completely separate from the U.S. government. This household would be free to offer governance to nearby households as well, and if those other households found the terms agreeable, they would be free to join this new country. This is no different from saying that the household in Virginia is free to set up its own pizza company and sell its pizza to the locals.

Self-Determination

So, to recap: Anarcho-capitalism is not a radical idea that there should be no rules at all. Instead, it's a system where people are free to choose the provider of the rules under which they live. Discussion of anarcho-capitalism in this light is nothing new. In fact, this discussion was inspired directly by rereading Mises's *Liberalism* (1929), where he says:

The right of self-determination in regard to the question of membership in a state thus means: whenever the inhabitants of a particular territory, whether it be a single village, a whole district, or a series of adjacent districts, make it known, by a freely conducted plebiscite, that they no longer wish to

remain united to the state to which they belong at the time, but wish either to form an independent state or to attach themselves to some other state, their wishes are to be respected and complied with.

Obviously the explanation of anarcho-capitalism put forth here is simple and leaves much to be discussed (provision of public goods, interaction between governments, etc.). I won't pretend to have all of the answers to these questions or solutions to these problems. That's not evidence that anything I've said up to this point is wrong, though. In fact, economics—properly understood—is a practice in which one acknowledges that one person can't have solutions to certain kinds of complex problems. That's the job of markets made up of millions of entrepreneurs and arbitrageurs. Adam Smith wrote in 1776 about how a woolen coat gets made. Bastiat recognized that Paris gets fed daily without any one person being in charge. And Leonard Read regaled us with his classic "I, Pencil." That one person cannot answer a question of "how would X be provided or accomplished?" is by no means an admission that government should try to accomplish it by default. (An excellent place to start thinking about these problems is David Friedman's *Machinery of Freedom*, available for free in its entirety here: tinyurl.com/2dna8sv [PDF].)

You Can Have Whatever You Like

Instead, beyond what I have shown, all I want to advocate for here is the consistent and persistent application of economic thinking to the world around us. Rules, laws, and other forms of governance are economic goods. And as economics teaches us, the provision of economic goods is best left to the market. Properly understood, anarcho-capitalism is simply the belief that individuals know what's best for them regarding the provision of governance. As such, they should be able to purchase whatever governance they like, just as they can purchase pizza from whatever pizza company they like. **FEE**

David Hebert (dave.hebert@gmail.com) is a Ph.D. student in economics at George Mason University. His research interests include public finance and property rights.

Sweatshop Blues

An interview with Benjamin Powell

Benjamin Powell is director of the Free Market Institute at Texas Tech University. He is also a senior fellow with the Independent Institute and the North American editor of the Review of Austrian Economics. His new book is Out of Poverty: Sweatshops in the Global Economy, and it's sure to leave some folks unsettled.

The Freeman: Sweatshop workers work long days with little time off for low pay in stifling conditions. How is that a good thing?

Powell: The way Penn (of Penn & Teller) put it once when he interviewed me is that “it’s better than tilling the soil with Grandpa’s femur.” That is a bit crass... but true. Wishing away reality doesn’t give these workers better alternatives. Workers choose to work in sweatshops because it is their best available option. Sweatshops, however, are better than just the least bad option. They bring with them the proximate causes of economic development (capital, technology, the opportunity to build human capital) that lead to greater productivity—which eventually raises pay, shortens working hours, and improves working conditions.

The Freeman: What are the alternatives for people in the developing world who don’t want to work in a sweatshop?

Powell: The main alternative is work in agriculture (sometimes subsistence) or domestic services. In countries where sweatshops locate—like Bangladesh, Cambodia, Haiti, Laos, Burma, and Vietnam—more than half of the population worked in agriculture. But agricultural work typically pays less, has similarly long hours, and often has higher rates of injuries.

The bottom line is that poverty is the norm in countries

where sweatshops locate. I examined the 85 countries where “sweatshop wages” were reported in the popular press, and I found that large segments of the population lived on less than \$2.00 and \$1.25 per day (purchasing power adjusted). Yet the average wage reported in these sweatshops in every country exceeded \$2.00 per day.

Bangladesh is often in the news because of factory accidents. More than 80 percent of the Bangladeshi

population lived on less than \$2.00 per day and more than 50 percent lived on less than \$1.25 during my period of study. Yet the average reported sweatshop wage exceeded \$2.00 per day and no factory was reported as paying less than \$1.25 per day.

The Freeman: How is taking advantage of poor people’s lack of options not exploitation?

Powell: Exploitation is a bit of a loaded term and it is a contested concept in philosophy and business ethics. We’re not going to resolve that here. I do devote part of a chapter to the topic based on prior work that I did with philosopher Matt Zwolinski.

For our purposes, here’s the main point: Even if it is “exploitation,” how is that bad if the workers consent to it and the “exploitation” makes them better off? If it is not wrong to ignore poor people in the Third World—meaning they don’t have a positive right to an income transfer from us—how is it more wrong to benefit the

T H E M A I N
alternative is work in agriculture (sometimes subsistence) or domestic services. But agricultural work typically pays less, has similarly long hours, and often has higher rates of injuries.

workers a little bit rather than not at all, even if that little bit doesn't rise to the level of some philosopher's definition of being non-exploitative?

The Freeman: If you're right about the benefits of sweatshop labor for the world's poor, do you have any concerns about robots replacing them—perhaps sending them back to the streets and fields?

Powell: None! Think about the countries with sweatshops in 1960: Japan, Hong Kong, Singapore, Taiwan, South Korea. All of them now have more machines but the workers haven't gone back to the streets and the fields. Increased productivity is the result of more capital coming into those countries and now workers earn enough for First-World living standards. Ironically, the sweatshops have disappeared precisely because the workers became too productive to justify using their labor for textiles and other goods made in sweatshops. Some people mistakenly think of this process as a "race to the bottom," but it's actually the opposite. Hong Kong and its cohort didn't become impoverished when the sweatshops left to go to

a poorer country. Hong Kong had simply moved up from the bottom rung of the ladder of economic development and that allowed a new, poorer country to get on the bottom rung.

The Freeman: Can you tell us a little about "Nana"?

Powell: Ha! I never expected to be talking about my great-grandmother in this interview!

In the 1920s she worked in the Cardinal Shoe Factory in Lawrence, Massachusetts. Lawrence, Lowell, and my hometown of Haverhill (nicknamed the Shoe City) were all cities that had many jobs during the Industrial Revolution that would be classified as sweatshops today. My great-grandmother's job was one of those. But it allowed her to earn an income and help her kids have a better life. One grew up to earn a doctorate and the other became a vice president of a bank. I'm in good company here. Milton Friedman's mother also worked in what would be called a sweatshop today.

The Freeman: It seems like well-intentioned activists and young people want to universalize some ideal of



working conditions. Why is this neither possible nor desirable in your mind?

Powell: If a worker has a productivity of \$1.00 per hour, mandating any compensation greater than \$1.00 per hour will result in that worker being fired. But from the employer's perspective they are mostly indifferent as to whether they pay the \$1.00 in wages or in better working conditions or other forms of compensation. The workers do care. In the case of sweatshop workers, most are desperately trying to feed, clothe, and shelter their families, so they want all of their compensation in wages and little in working-condition improvements. As productivity and wages go up, then the market forces improvement in working conditions. Mandating universal working conditions will reverse the preferences of workers and kill jobs in poorer countries as employers shift jobs to places that are more productive and already have better working conditions.

The Freeman: Recent reports say extreme global poverty has been cut in half during the last 20 years. To what major factors do you attribute this massive improvement in human well-being?

Powell: The biggest factor is the increase in economic freedom around the world. Even in places that are still relatively unfree, massive strides have taken place. Since 1980, China has made the biggest improvement in economic freedom in Asia. Since 1990, India has made the second-biggest improvement. This improvement in economic freedom has brought economic growth that has lifted more people out of dire poverty than at any other time in human history.

The Freeman: And what BS reasons are given for the improvement?

Powell: People often mistake minimum wages, worker safety laws, bans on child labor, and other government

regulations for improvements in living standards. Although these laws exist in wealthy countries today, the United States and other wealthy countries didn't have these laws when we were at the level of development of countries with sweatshops today. Instead, the laws largely came after our development and mostly codified improvements in

wages and conditions that market forces had already improved.

Take child labor, for example: Massachusetts passed our nation's first child labor law. It limited the workday to 10 hours for children under 12 years old. It was hardly a restriction at all. The United States didn't pass a national child labor law until 1938, when our per capita income was already

more than \$10,000 (in 2010 dollars). It's no coincidence, as child labor virtually disappears in all countries when incomes reach a little over \$10,000. The laws were largely redundant.

The Freeman: Word on the street says you just started a free-market institute at Texas Tech University. What sort of awesomeness can we expect from this institute—that is, what will your team get up to?

Powell: We're up to big things at the Free Market Institute at Texas Tech. We just secured a major grant to study the origins and social change dynamics that lead to greater economic freedom. I'm in the process of hiring two more faculty members to join our team and we're working on adding more after that. I even taught a course on Austrian economics last fall. We're running conferences, holding lectures, working with graduate students, doing outreach ... the whole nine yards. We are going to make Texas Tech one of the premier places to study free-market economics. Check out what we're up to at www.fmi.ttu.edu.

The Freeman: Professor Powell, thank you very much.

Powell: Thank you! **FEE**

HONG KONG
and its cohort didn't become
impoverished when the
sweatshops left to go to
a poorer country. Hong Kong
had simply moved up
from the bottom rung of
the ladder.

The Myths of School Vouchers, Then and Now

CASEY GIVEN

Although the first voucher program in the United States was introduced in 1869, it wasn't until a century later that school choice started gaining mainstream traction, thanks to the efforts of Nobel Prize-winning economist Milton Friedman. In 1980, millions of Americans tuned in to watch Friedman make the case for choice while engaging in lively debate with opponents on his PBS television series *Free to Choose*.

A lot has changed in the 34 years since the program first aired. Today, 18 voucher programs in 12 states and the District of Columbia help expand the educational options of millions of disadvantaged schoolchildren. Despite this progress, many of the myths surrounding school choice raised by Friedman's intellectual opponents still persist, hindering the growth of vouchers to the universal scale that the economist originally imagined.

I will address three mentioned in *Free to Choose*: namely, that school vouchers lead to more segregated classrooms, that poor parents don't have sufficient information to make the best educational choices for their children, and that poverty is the primary cause of America's abysmal public school performance.

MYTH No. 1: School vouchers increase segregation. *"I am concerned that voucher systems will lead towards havens for white flight, will lead towards a dual-school system, in the sense that you have one school system operating under one set of rules, [and] the other school system, [the] public school system, operating under carefully articulated educational policy in any given state."*

—Thomas Shannon, president of the National Association of School Boards

When *Free to Choose* was filmed, many education pundits worried that the majority of applicants for Friedman's hypothetical vouchers would be parents from middle- and high-income backgrounds and that vouchers would act as an unnecessary subsidy for private schooling of the rich. Their fear made sense at the time, especially considering the historical legacy of "segregation academies" in the South, where a handful of local governments offered white parents vouchers for their children to escape integrated public schools after *Brown v. Board of Education*.

Fortunately, these fears have not come to fruition. In fact, almost every private voucher program in the

country has strict family income eligibility caps for its participants—usually below 300 percent of the federal poverty line. Contrary to outdated fears of white flight, vouchers today make America's schools more diverse by empowering students from poor socioeconomic backgrounds to attend the same institutions

CONTRARY TO the patronizing myth, low-income parents are profoundly aware of the abysmal state of their children's schools and are thus motivated to escape a mediocre public school system.

as their middle- and high-income neighbors. A recent literature review by the Friedman Foundation for Educational Choice confirms this point, discovering that seven of eight studies examining vouchers' effects on diversity conclude that they lead to more integrated classrooms.

The Obama administration must not have gotten the memo. In August, the Department of Justice sued Louisiana's state voucher program for allegedly violating federal desegregation orders, despite expert testimony from scholars like Boston University Professor Christine Rossell demonstrating that the vouchers improved integration in several parishes.

While the DOJ eventually dropped its challenge after a federal judge ordered the agency to settle the matter out of court, the myth surrounding vouchers' supposedly segregating effects persists more than three decades after Shannon expressed it on *Free to Choose*.

MYTH No. 2: Poor parents don't have sufficient information to choose the best schools for their children.

"And I think that the evidence is pretty clear that if you take middle class and wealthier families, they are gonna do a good deal of research. They may very well be able to invest some additional money of their

own to take some inconvenience. And if you have an open system of this sort it may very well be that the poorest parents are gonna have to take what is most convenient for them, what is going to fit in with their own work schedules, what is not going to require additional sums of money."

—Albert Shanker, president of the American Federation of Teachers

Choosing a school takes serious time and attention, with parents wading through endless statistics and paperwork. As such, contemporary voucher critics still worry that poor parents have imperfect information to make a sound choice of where to send their children for school.

Kern Alexander of the University of Illinois, for example, writes in the *Journal of Education Finance* that vouchers falsely assume "parents know what constitutes quality education." Since only educators are truly learned about education, goes this line of reasoning, the public school

system is in a better position to ensure a child receives a quality education than his or her parents are.

This view is quite simply unsupported by evidence. To the contrary, one survey on Georgia's voucher program commissioned by the Friedman Foundation discovered that "parents who are considered to be disadvantaged took about as many affirmative steps to gain the necessary private school information as parents having higher

incomes." Both groups took an average of five steps to investigate school quality, most popularly touring the school and asking friends and family about its quality. Contrary to the patronizing myth,

low-income parents are profoundly aware of the abysmal state of their children's schools and are thus motivated to escape a mediocre public school system just as much as their middle- and high-income neighbors.

MYTH No. 3: Poverty, not teacher quality, is the root of America's educational woes.

"With all respect, Professor, the problems that you see in the urban schools of this country are not problems of the schools, they are problems of poverty. And they are problems of what do you do when, for demographic and sociological and economic reasons, in a country like ours, you begin to concentrate those people who are poor in the inner and older parts of the cities of our country."

—Gregory Anrig, commissioner of the Massachusetts Department of Education

While the first two myths mentioned manifest themselves in subtler forms now than they did when

CONTRARY TO
outdated fears of white flight,
vouchers today make America's
schools more diverse.

Free to Choose first aired, this last one has only been amplified through the years. Today, income inequality is the main mantra of voucher opponents, with pundit after pundit pointing to poverty, not teacher quality, as the underlying problem in America's public school system.

"America does not have a general education crisis; we have a poverty crisis," Michael A. Rebell and Jessica R. Wolf of Columbia University's Campaign for Educational Equity claim in a recent article for *Education Week*, pointing to the latest test results from the Program for International Student Achievement. "U.S. schools with fewer than 25 percent of their students living in poverty rank first in the world among advanced industrial countries. But when you add in the scores of students from schools with high poverty rates, the United States sinks to the middle of the pack."

Poverty's effect on student achievement is as undeniable today as it was during Milton Friedman's day. Children who come to school tired and hungry from an impoverished household will not perform as well as their peers who have a good night's sleep and food in their stomachs. However, mediocre performance by public schools is not an inevitable result of poverty. Such a status-quo bias ignores the fact that for many children, voucher programs have been an effective escape out of the cycle of poverty.

STUDY AFTER
study has confirmed that voucher recipients in America's most impoverished cities graduate high school and enroll in college at a higher rate than do their public school peers who were not selected for the program.

Study after study has confirmed that voucher recipients in America's most impoverished cities graduate high school and enroll in college at a higher rate than do their public school peers who were not selected for the program. To provide a few examples, The University of Arkansas came to this conclusion for graduation rates in Milwaukee's Parental Choice Program, the Brookings

Institution did so for college enrollment in New York City's Choice Scholarship Program, and the U.S. Department of Education did so for graduation rates in Washington, D.C.'s Opportunity Scholarship Program.

A lot has changed in American education since *Free to Choose* first aired, with school choice more popular and present than ever before. Yet, while

private vouchers grow, the public school system continues to stagnate. Over the past 30 years, the total cost of educating a child in America's public schools has doubled after adjusting for inflation while educational achievement as seen on the National Assessment of Educational Progress has stagnated.

If reformers truly want to improve the dismal state of America's schools, they should ignore the myths that persist 34 years after *Free to Choose* first aired and instead realize Friedman's vision of quality education for all children. **FEE**

Casey Given is an editor and political commentator with Young Voices, a project aiming to promote millennials' policy opinions in the media.

Check Your Context

SARAH SKWIRE

Edna Ferber • “Sisters Under Their Skin.” From *Emma McChesney and Co* • Stokes • 1915

O. Henry • “The Social Triangle.” From *41 Stories* • New York: Signet Classic • [circa 1907] 1984

Everyone has been talking about privilege lately. A catchphrase I hadn’t heard since my undergraduate days has resurfaced with the vigor and tenacity of a serial killer in the final reel of a horror movie. You have surely heard it by now: Check your privilege.

The charitable reading of the phrase is that it is a reminder that life can look a lot different depending on who you are. The somewhat less charitable reading is that the phrase is an assertion that, because of who you are, your thoughts can be discounted or ignored. Human nature being what it is, you are probably equally likely to hear it used either way. Julie Borowski and Cathy Reisenwitz fought out a version of this debate in the FEE Arena (tinyurl.com/ox6s3sj).

What very few people seem to be talking about when it comes to privilege is how context-dependent it is. The privilege I have, for example, as a well-educated, upper-middle-class, middle-aged white woman is quite an asset when I want to window-shop in a pricey store or talk an airport gate agent into giving me an upgrade. But it is decidedly less useful—and is perhaps even a serious disadvantage—if I’m thinking about walking alone at night to a restaurant in an unfamiliar city. The set of characteristics that is privileged in each of these cases is different. The set of characteristics that add up to “Sarah” is always the same.

Happily for those who are interested in the way that different contexts make the concept of privilege more complex, and unsurprisingly for those who are familiar with this column, there are some useful literary discussions

of context-dependent privilege to consider.

Edna Ferber’s Emma McChesney story, “Sisters Under Their Skin,” begins, in fact, with an observation about privilege: “Women who know the joys and sorrows of a pay envelope do not speak of girls who work as Working Girls. Neither do they use the term Laboring Class, as one would speak of a distinct and separate race, like the Ethiopian.”

This story, Ferber signals to us, is going to be about a very different kind of woman. The redoubtable Emma McChesney is about to be invaded by Reformers, those “well-dressed, glib, staccato ladies who spoke with such ease from

platforms and whose pictures stared out at one from the woman’s page [who] failed, somehow, to convince her.” While Emma is in favor of many of “The Movement’s” goals, “The Movers got on her nerves.”

This is doubtless because Emma, who has spent 15 years as a traveling saleswoman, and then vice president, and then part-owner of the T. A. Buck Featherloom Petticoat company, has

met working women galore. Women in offices, women in stores, women in hotels—chamber-maids, clerks, buyers, waitresses, actresses in road companies, women demonstrators, occasional traveling saleswomen, women in factories, scrubwomen, stenographers, models—every grade, type and variety of working woman, trained and untrained. She never missed a chance to talk with them. She never failed to learn from them. She had been one of them, and still was. She was in the position of

WHAT VERY FEW people seem to be talking about when it comes to privilege is how context-dependent it is.

one who is on the inside, looking out. Those other women urging this cause or that were on the outside, striving to peer in.

The Reformers, headed by Mrs. Orton Wells, have not.

Emma understands the effort and art that go into making a factory girl's salary produce "cheap skirts hung and fitted with an art as perfect as that of a Fifty-seventh Street modiste ... with a chic that would make the far-famed Parisian couturiere look dowdy and down at heel in comparison." The Reformers see only that "they squander their earnings in costumes absurdly unfitted to their station in life. Our plan is to influence them in the direction of neatness, modesty, and economy in dress.... We propose a costume which shall be neat, becoming, and appropriate. Not exactly a uniform, perhaps, but something with a fixed idea in cut, color, and style."

So when this group of wealthy, nonworking women arrives at the T. A. Buck company to instruct the "working girls" on how to dress with modesty and economy, they are already on the wrong foot. But the problems really begin when

the Reformers come face to face with a few real, live factory girls and find that their privilege of class and wealth is not quite the unassailable armor they had anticipated.

Emma takes one look at the proposed speaker—Mrs. Orton Wells's daughter Gladys—and notes that "Gladys was wearing black, and black did not become her." And then Emma introduces her to Lily Bernstein, whose "gown was blue serge, cheap in quality, flawless as to cut and fit, and incredibly becoming. ... she might have passed for a millionaire's daughter if she hadn't been so well dressed." Instantly understanding (or misunderstanding?) why Gladys has come to talk to her about clothing, Lily begins to give her advice about how to dress.

Gladys is smart enough to know that privilege is context-dependent. She realizes that the privileged experts, in this context, are the women she has always thought of as underprivileged. And so when Gladys is put before the women on the factory floor to tell them how to dress, she realizes that the stylish shoe is on the other delicately

stockinged foot, and simply says, "You all dress so smartly, and I'm such a dowd, I just want to ask you whether you think I ought to get blue, or that new shade of gray for a traveling-suit."

We see a similar lesson in O. Henry's story "The Social Triangle," which surveys the social strata of turn-of-the-century New York City through a series of brief interactions that cross class lines. Each of the interactions ends with the less-privileged person's delight at shaking the hand of someone more important. When, for example, the tailor's apprentice Ikey Snigglefritz shakes the hand of Tammany Hall politician Billy McMahan, he is transported. "His head was in the clouds; the star was drawing his wagon. Compared with what he had achieved the loss of wages and the bray of women's tongues were slight affairs. He had shaken the hand of Billy McMahan."

The story continues in this vein until it reaches

one of O. Henry's classic twist endings when the millionaire Cortlandt Van Duyckink, in a moment of passionate desire to know and befriend "the people," leaps from his car and feels "an unaccustomed glow about his heart. He was

near to being a happy man....He had shaken the hand of Ikey Snigglefritz."

Ferber's and O. Henry's stories suggest to us that, yes, there are plenty of moments when we should check our privilege. Wafting into a factory to tell working women how to dress might well be one of them. But we should also check our contexts, and remember that the things that make us—or someone else—important, or impressive, or privileged in one place or time can have a very different effect in different circumstances. No one is privileged at all times and in all ways. The teenager who rules the halls of the high school is just a punk kid when she gets pulled over for speeding. And even the most powerful politician, stuck in a dance club, is still just an old guy who can't dance. Lily Bernstein can tell Gladys Orton Wells how to dress. And Cortlandt Van Duyckink is elated to shake the hand of Ikey Snigglefritz. **FEE**

YES, THERE ARE plenty of moments when we should check our privilege. But we should also check our context.

Sarah Skwire (sskwire@libertyfund.org) is a fellow at Liberty Fund, Inc. She is a poet and author of the writing textbook Writing with a Thesis.

Nutrition Without Romance

JENNA ASHLEY ROBINSON

Denise Minger • *Death by Food Pyramid: How Shoddy Science, Sketchy Politics and Shady Special Interests Have Ruined Our Health* • Primal Nutrition, Inc., 2014 • 300 pages

Blogger Denise Minger might not have heard of public choice theory, but she applies it without remorse to America's dietary-industrial complex in her first book, *Death by Food Pyramid*.

The book, Minger says, is part of “a now decade-long quest to reclaim intellectual freedom, demolish bad science, and discover the truth about what we should be eating” that began when she turned to nutrition to address her own health problems.

A “recovered” raw-vegan, Minger first began examining public health with her now-infamous critique of *The China Study*, published on her blog, RawFoodSOS. In that critique, the self-described “data junkie” proved her skill at detecting and exposing shoddy science.

But in *Death by Food Pyramid* she goes further. Minger shows that even in the face of improving scientific knowledge, politicians and bureaucrats have allowed special interests to guide American food policy. What follows are the details—the seedy history behind the USDA's nutrition goals, unpacking the lengthy and tortuous political process that gave us the official Food Guide Pyramid.

Minger chronicles several honest attempts to create comprehensive food guides to keep Americans healthy. In every case, what began as reasonable, internally consistent recommendations were watered down, massaged, or completely rearranged by special interests and political schemers.

The guide designed by nutritionist Luise Light, which would eventually become the official Food Guide Pyramid, came back from the Secretary of Agriculture's office, Minger recounts, “looking like a mangled, lopsided perversion of its former self”:

The recommended grain servings had nearly quadrupled. ...Gone was the advisory to eat only whole grains, leaving ultra-processed wheat and corn products implicitly back on the menu. Dairy mysteriously gained an extra serving. The cold-pressed fats Light's team embraced were now obsolete. Vegetables and fruits, intended to form the core of the new food guide, were initially slashed down to a mere two-to-three servings a day total. And rather than aggressively lowering sugar consumption as Light's team strived to do, the new guidelines told Americans to choose a diet “moderate in sugar,” with no explanation of what that hazy phrase actually meant. (Three slices of cake after a salad is moderate, right?)

But from the beginning, Minger shows “better health” was just a sound bite, designed with the “media's discombobulator machine” in mind. With few exceptions, major players in the government's food recommendations were more interested in placating lobbyists, keeping food assistance program costs down, and winning votes from farming communities than in health.

We shouldn't be surprised, as Minger points out:

Asking the Department of Agriculture to promote healthy eating was like asking Jack Daniels to promote responsible drinking: the advice could only come packaged with a wink, a nudge, and complementary shot glass. As the appointed guardian for all things agriculture, the USDA wasn't in a position to discourage food sales; yet its anomalous duty to improve America's eating habits called for that very feat.

Minger has certainly done her homework, and it shows when she details the personal history of those involved in the Food Pyramid.

In one chapter, Minger reveals that even the earnest George McGovern, who first became involved in public health to help alleviate malnutrition and starvation, later caved to the pressure of personal friendships, anecdotal experiences, and pride. In order to protect the prestige and budget of his Senate Select Committee on Nutrition, McGovern—who Minger dubs a “well-meaning crusader”—shifted its focus from fighting hunger to totally reengineering the American diet.

Minger’s chapters on what she calls “sketchy politics” are enough to make the book worth its price. But her attack on “slippery science” is just as interesting, as she takes aim at the cranks, hucksters, charlatans, and “diet gurus hoping

you’ll blow half your paycheck on their life-extending line of goji berries and deer antler velvet.”

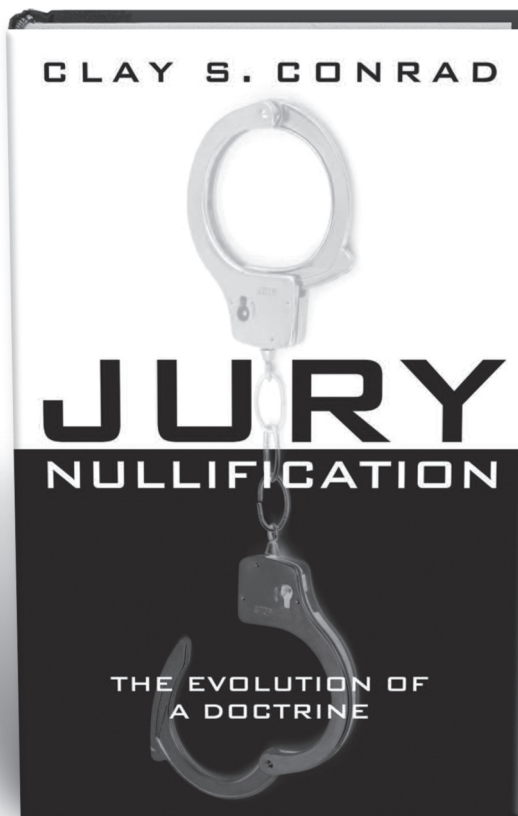
Her “science-ese translator” is helpful for anyone unfamiliar with the jargon of academia. Her “note on correlation” should be a battle cry.

In short, Minger’s healthy skepticism of big government, big science, and big business sends a powerful message: Do your homework on health. No one cares for your body and your life more than you do.

“My one request,” Minger says, “is that you revise your beliefs about where knowledge comes from, and who has—or doesn’t have—the right to acquire it.”

Amen. **FEE**

Jenna Robinson (jarobinson@popecenter.org) is director of outreach at the Pope Center for Higher Education Policy.



“Conrad’s book sets out the arguments for jury power in eloquent and meticulously documented form.”

—GLENN REYNOLDS

PROFESSOR OF LAW, UNIVERSITY OF TENNESSEE; FOUNDER, *INSTAPUNDIT*

The Founding Fathers guaranteed trial by jury three times in the Constitution—more than any other right—since juries can serve as the final check on government’s power to enforce unjust, immoral, or oppressive laws. But in America today, how independent can a jury be? How much power does a jury have to not only judge a defendant’s actions, but the merits of the law? What happens when jurors decide in criminal trials not to enforce the law or not to convict a defendant if they conclude it would be unjust?

This classic book, originally published 15 years ago and now brought back into wide national view by the Cato Institute, answers these questions by taking readers through a history of jury independence and exploring the range of powers a jury can undertake in ensuring justice and fairness in our cherished legal system. **HARDBACK \$24.95 • EBOOK \$12.99**

CATO
INSTITUTE

AVAILABLE NOW AT CATO.ORG/STORE AND AMAZON.COM

No Sleep Till Johannesburg

Searching for Sugar Man *and spontaneous order*

MICHAEL NOLAN

Popular culture should always threaten the established authorities: It summons new loyalties, spontaneously, across populations. It can even define entirely new ones (think Trekkies or Twihards). The process defies prediction and control.

These aren't prescriptive statements; they're diagnostic: If there's nothing going on in popular culture that could stir up at least a *Footloose*-style shakeup of local, informal authority, there's something rotten somewhere.

Searching for Sugar Man doesn't approach its subject this way, but it illustrates the power of pop culture to make us comprehensible to ourselves and remake the world in the process.

Malik Bendjelloul focuses his documentary on American singer Sixto Rodriguez and his South African devotees, particularly two—Stephen “Sugar” Segerman and Craig Bartholomew Strydom—who were rescued from the stifling atmosphere of apartheid by Rodriguez's music. They return the favor, almost single-handedly, by reviving his career.

The constricted scope lends shape and drama to what easily could have become a big, woolly jumble of narrative threads, however compelling they might have been individually. The stakes are already there in what the music meant to its fans, and the context in which they heard it. Their relationship to the music winds up adding meaning to the context, rather than the other way around: It exposes the shakiness at the heart of authoritarian regimes trying to accumulate enough power to become totalitarian.

33 1/3 Marginal Revolutions

The elevator pitch here is pretty straightforward: Rodriguez made music in the late 1960s and early 1970s that seemed destined to make him an icon. But it failed to sell and his career ended before he made any

impact. Except in South Africa, where bootlegs spread quickly and he became a generation's favorite singer. After apartheid, one fan (Strydom) published an article detailing his and Segerman's (futile) attempts to replace the myths surrounding Rodriguez with hard fact. Mainly, it documented their failure to do so. The article made its way to Rodriguez himself, he got on the phone to Johannesburg, and next thing you know, he's standing before thousands of adoring fans, nobody really believing that it's actually happening.

So there are at least three main stories here, themselves made up of several others. There's what Rodriguez's albums meant for a generation of young South Africans who hated apartheid but, subject to the State's fanatical controls, did not know what they could do about it. They just knew there was reason to fear disobedience. This one includes a variation of the story of the Velvet Underground in Czechoslovakia, only the odds were arguably longer: At least VU had critical acclaim, and were highly visible during their brief run.

Then you have Rodriguez's career. That story looks like it's one of those piercing, small tragedies, albeit wrapped in layers of myth and legend. The beginning needs to be lifted for fiction if it hasn't been already: Two recording engineers make their way to a sketchy bar swathed in fog and belching out smoke, down on the Detroit riverfront. They're there to see a singer they've heard impressive things about. A restless crowd waits for an excuse to riot. The singer sits with his back to the audience. It's impossible to see anything. The only thing that cuts through? This voice, and these songs. They make converts almost on contact.

And that's the real heart of the film, this conversion process. Nobody expects it after he's dropped from his label because nobody bought his records. Even the documentary doesn't really account for how Rodriguez's

music made it to South Africa, let alone how it spread. There's an apocryphal story about an American girl—the Patient Zero—visiting her boyfriend and bringing an album in tow.

For the first few years, it was not all that remarkable that nobody seemed to know anything about the guy. They knew they were shut off from the world; if his music made it through, Rodriguez must be a huge star. Eventually they'd hear something.

When they didn't, more legends filled the void: He'd killed himself onstage in 1973, frustrated at his futile music career. He finished a song, said a goodbye, and either put a gun in his mouth or doused himself in gasoline and lit a match. Fans in South Africa scoured his lyrics for clues about where he was from and who he was. And kept buying more records.

Lost and Found and Lost

If it had ended there, Rodriguez's story would have been a tragedy. But it wouldn't have been much of a story: You could fill a medium-sized city with artists who never got so much as a lower-middle-class living out of their art. You probably couldn't run it, but still.

There are several lessons here about art, entertainment, and markets, and I don't think any one of them is "the" point to be gleaned. There's the obvious fact that subjectivity dominates. There's also a point about nobody really knowing anything about "the market," in large part because it's not a singular thing with fixed properties.

But this is where *Sugar Man* really shines: It connects something as intimate and individualized (and ultimately unknowable) as a single life and the art that's meant the most within it to the people who share similar loves—either in their objects, or their intensity, or both of those and more. The things that seem like necessary

components—ethnicity, nationality, contemporaneity, marketing push—have little to do with predetermining or even defining these relationships. It's not like Sixto Rodriguez was writing songs about apartheid, and nobody in South Africa had any inkling that he was living through Detroit's rise and fall—and doing so as the sixth child of Mexican immigrant factory workers. Neither really could have known exactly what either thing really meant. But there's still some kind of communication that remains possible. It might even be the most important kind. His music certainly became *essential* in a way that becomes more urgent and more intense as life becomes more closed and constricted.

T H E R E A R E
several lessons here about art, entertainment, and markets. There's the obvious fact that subjectivity dominates. There's also a point about nobody really knowing anything about "the market," in large part because it's not a singular thing with fixed properties.

The punchline of *Sugar Man* is that Sugar Man might be found, but Sixto Rodriguez remains absent. Put another way: Sixto is introduced to Rodriguez, and he seems pleased enough to meet him, but the two never perfectly coincide. A music journalist near the end says, with a hint of complaint, that Sixto isn't very forthcoming in interviews. We see this when he makes his first contemporary appearance in the film: Backlit in the

run-down house he's been occupying for 40 years, he seems baffled, even a little embarrassed, as his answers trail off. He doesn't seem unwilling to answer—in fact, he's all smiles, all throughout the thing, and appears to enjoy his triumphant return as much as the fans packing out every show. He just seems to know there are questions the filmmakers want answered, but neither questions nor answers can be fully articulated.

Schrodinger's Musician

So Sixto is simultaneously there and not there, on several different levels. He was expected to be really big in the big markets (North America, the UK, Europe)—Dylan

with a gritty, industry-town foundation—but wasn't. In South Africa, though, he was bigger than Elvis or the Rolling Stones.

When his music first arrived there, Rodriguez was the dead symbol of protest, even at the cost of one's own life, in the face of futility. Meanwhile Sixto himself was clearing out soon-to-be-demolished homes while raising three daughters with the understanding that the world of high art, and political authority, and everything outside of the margins, was every bit as much for them as for the wealthy. He was a failed city council candidate with a philosophy degree staying put while the rest of the city burned down around him. None of this, it turns out, fully defines him; many bits contradict other bits. And none of them is irrelevant or untrue.

Rodriguez, then, doesn't become an actual person in this documentary; he just keeps on acquiring symbolic depth. He illustrates the noninstrumental good of art created at the margins of society. I'm not saying anyone or group should be marginalized. But I think the art residing outside of hype cycles and big sales numbers is where the action is. This touches on one of the shared assumptions of a lot of people who talk about music (beyond the assumption of knowledge about other people's choices): It's assumed that the ideal is for this stuff to come into the middle. It's assumed that *something* should dominate, that *everyone* should like X or Y, and if they don't, there's something wrong with "society," usually meaning "everyone else." Stakes is high.

But if, absent a State-sponsored catastrophe, wealth grows and spreads around, bringing with it more political and social freedom, and freeing more time and money for leisure, then you'd expect an ever-expanding, chaotic pluralism to replace the monoculture (if such a thing ever existed). You'd expect more cultural product, and more people to investigate more nooks and crannies of the world and themselves, and to find more ways to fit these together. You'd expect increasing individuation, and a decreasing ability to say much about any one person—let alone a collection thereof, however arbitrarily defined—based on what he or she likes. The discussion of markets and art is usually fraught, in my experience, with so much unarticulated (and inarticulable) desire, belief, memory—and often fear of the unknowable—that it drives a search

for villains. Or at least villainy. Greed, maybe. Record executives. The coarseness of popular taste. The elitism of art critics, or people with the nerve to pretend they love things that never moved the needle. Nowhere in any of this is an actual person, beyond the one doing the speaking, and that guy's always talking mostly to himself.

Sound Engineer

Sugar Man ultimately brings all of this together and, if it tells one story, it's about how little we can know or control. There's a scene with his first producer listening again to the old tracks. First a smile unfurls across his face, then it curdles as he remembers everything else. He's baffled at the record's failure. It's a kind of "Rosebud" moment. But juxtapose it with another: The former official archivist of South Africa pulls out the State's copy of a Rodriguez album and shows us where the authorities had some schmuck sit down with a nail or something and actually scratch out the tracks that were forbidden. This far removed from the end of that regime, it's farcical.

And it's also inspiring. No society can be engineered without devouring the humanity of those subject to it. But it never does so entirely. And nothing jumps from one speck of humanity to another quite as quickly, or with quite as much power, as music does—sparking across the spaces between them like a lightning bolt branching from one electron to the next. It seems like the music itself has agency, quite independent of the desires or knowledge of any of the people involved with it. Quite outside of the grasp of people whose lives are devoted to authority, control, leadership—and their obsession with messages and messaging. Rodriguez's story is the purest example you'll ever hear of music doing just this, on its own merits. It entered a world that could scarcely have been less hospitable. Merely a set of stray vibrations, it evaporated into its home atmosphere and should have bounced right off the dome that the architects of apartheid built specifically to snuff out things like this. Somehow it made it through, though, illuminating the lives of everyone it touched. Sixto, by all appearances, chose to go on living in the margins, and remains in the shadows. Rodriguez emerged from the networks between them. **FEE**

Michael Nolan (mnolan@fee.org) is the managing editor of The Freeman.