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Regulatory Farce: Internal Capitalist Hegemony

By Norman Pollack
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Privatization is historically inscribed in America's structural-ideological DNA, solidly entrenched, near-impossible to dislodge, ever since (if not before) John Locke's formulation, only confirming the trend lines from enclosures, to mercantilism, to nascent capitalism, of the antecedent rights of property over government and society. In the righteous world of capitalism property trumps all before it, and for America, doubly true given its essential start as a New World tableau in which feudal institutions were comparatively absent, leaving capitalism to grow free from the premodern obstacles making for more complex politics and political-social philosophies. As Louis Hartz proclaimed, in *The Liberal Tradition in America*, America was born capitalistic, it did not have to make itself so. Hartz may have had mixed feelings about that, advantages outweighing disadvantages, but my use of "farce"—ridiculous or empty show (one of Webster's meanings)—suggests for me a systemic-cultural VOID when it comes to the social dimensions of human rights, the vitality of the multifaceted human personality not become transmogrified by commodity fetishism (Marx) into an accumulating/possessive animal valuing separation and competitive antagonism over mutuality and social cooperation.

We are what we are, having been made so by centuries in the promotion of (in-)human rights and societal privileges, freedom given the restricted meaning associated with life conditions of being free to prosper, free to sweat at low wages, free, ultimately, to starve, freedom replaced by the coded word LIBERTY (the darling of every rightwing appellation) signifying the amended meaning of freedom plus the ruthless individualistic ethos of subjugating all before one, from

Indigenous People, to black slaves (chattel slavery narrowly shaped as a capitalistic institution complementing and integral to the national political economy), to tenants and sharecroppers on the land, to industrial workers, to ... fill-in the blank, whether unemployed, criminalized, ghettoized, you name it, a capitalism that feeds on, indeed nurtures, authoritarian submission.

What is absent from American Capitalism is any safeguarding of the public interest, any concept of a public sphere of government competence and jurisdiction, or go further, any notion of the public qua public, all-of-us as having basic rights under the fundamental law. Dickens's *Tale of Two Cities* is child's-play as compared with the division of wealth and power in America. How then expect a regulatory system to curb the influence and social-control possibilities of capital in America? The setting is inimical to any but hardline profiteering, unrestrained by the State, whose own function is interpreted as assisting, by military means internationally and at home if and when necessary, the political-economic process of wealth-making in private hands, not, therefore, wealth-creation to serve public ends, i.e., the needs of the people. Everything points to inequality as the ratifying condition of American liberty, freedom a suspicious word of no-doubt communist origin.

Sounds rhetorical, an empty indictment, one undeserved and historically false? The regulatory function of government is at the nerve-center of the realization of human rights. A privatized system of regulation may seem oxymoronic (in fact, it is!), yet that is the reality, government turned inside-out, to serve the groups tearing apart the societal fabric, profiting from their own control of the levers of authority and command of force, an hierarchical framework cemented together by the enforced dependence of the working class and poor on the ever-evolving and tightening pattern, now assuming US-defined globalized proportions, of corporate-monopoly organization sector-by-sector, financial, industrial, commercial, as though private government shielded by the thin layer of legitimacy of government proper, obfuscation on a grand scale insofar as the commonweal is concerned. Government of course is still needed: to fight wars, expand capitalism, ensure domestic social stability via engendering a permanent atmosphere of redbaiting and keeping tabs on dissent; but in its public function it stops at the water's edge of the business system.

The history is clear: the major railroads were instrumental in forming the Interstate Commerce Commission, to ensure against internecine competition; then the transition point to a privatized public regulation in TR's Bureau of Corporations, a House of Morgan creation (Roosevelt's role as trustbuster another meaning of farce, broadly satirical comedy and improbable plot); ditto, and more important, creation of the Federal Reserve System under Woodrow Wilson, banker-dominated, shaped, engineered from first to last by the leading banks, their operations now synchronized with government Treasury and broader financial policy; not to skip a beat, Herbert Hoover's leadership of the trade-association movement, which privatized for good and all the monopolistic system and impetus to foreign markets, technically, still private, but utterly reliant on government assistance and support; from there to more explicitly modern business structure, with FDR's National Recovery Administration and its code authorities sanctioning monopoly-concentration across the board (what makes the New Deal different, however, is that he also used government for public ends, a difficult balancing act in which Hugh Johnson faces, e.g., Henry Wallace, Harold Ickes, Harry Hopkins, and we find the magnificent experiment in human conservation of the Works Progress Administration and other programs and projects); and

coming rapidly up to the present, a miasma of sell-out, betrayal, conniving with the culprits supposedly to be prosecuted for violating the public interest, in microcosm just the last few weeks alone, Interior/FBI/Bureau of Land Management, in Oregon, where armed insurrection is left untouched, a longstanding fear of enforcing the public interest on the public lands; the various agencies charged with maintaining the public health, EPA in particular, in Michigan, where switching the Flint water supply to a noxious river system in order to save a few bucks (under a governor-appointed manager superseding local authority), an austerity-driven move of fiscal-responsibility leaving children permanently deformed and learning-disabled because of the lead content of the water (the state's own regulatory body, Department of Environmental Quality, along with its governor, turning the other cheek until it is too late); finally the highway banditry of the pharmaceutical industry, cozied up by the Food and Drug Administration, again among other agencies, which has left drugs to treat life-threatening disease and illness at prices so high as to be out of public reach, a heartless victimization of the sick, criminal in inspiration and mindset yet allowed to continue under government purported regulation.

Other capitalist countries have achieved a closer approximation to the public welfare, perhaps because of a more variegated historical past and consequent richer political culture in the present, so that authentic regulation in the people's interest is not impossible under capitalism. Somewhat difficult and liable to change, but not impossible. Not so, America, its essentially antidemocratic history, stylized as democracy, having a built-in repudiation of the public realm. The regulators themselves have on the whole excelled in self-promotion, their duties and actual performance an open sesame through the revolving-door principle to lucrative jobs in industry, banking, business, what appears at the outset as mastering the art of trained INCAPACITY even to serve the public interest. EPA, FDA, BLM, an alphabet soup of privatized tyranny, integrated into a bureaucratic web thickened to disguise the ongoing dirty work of wealth-accumulation by which America defines its greatness.