

SOCIETY WITHOUT COERCION

A New Concept of Social Organization

by

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PREFACE

This essay was originally planned to be titled "Government Without Coercion," based upon a speech of that name given by the author before Silver Spring SRI on February 2, 1969. However, since the announcement of that title, further thought and evaluation has led to several modifications and extensions of the original thesis. In particular, it has become obvious that the phrase "government without coercion" is largely a misnomer, and that in any case the topic could not be adequately discussed without consideration of the larger issue of "society without coercion."

"Society Without Coercion" includes all valid concepts planned for presentation in the essay "Government Without Coercion," and like that planned essay answers the question of how police forces, court systems, armies, etc. could be operated without any form of taxation or of charitable contributions. In addition, this essay also deals in much more depth than was originally planned with the topics of "the nature of man", "forms of social organization", and "the morality of limited government". Nothing valid, then, has been omitted, and much has been added.

Before beginning this essay the reader is cautioned to keep an open mind. Many of the concepts presented here, particularly those of financing and operating agencies of retaliatory force, will be new and strange to him, and he may at first be apt to reject them out-of-hand. However, familiarity or strangeness is not the criteria of validity of concepts. The inherent morality and practicality of society without coercion is not altered by the fact that the concept is presently largely absent from human consciousness.

The social systems predominant in the world today, and indeed all known major social systems which have ever existed, have been inherently coercive. This does not, however, mean that all must be so, or that the premises upon which they are based are valid. Indeed, the author seeks through this essay to take a major step toward the eradication of the virtually universal fallacies and myths which the domination of coercive social systems has perpetrated.

The purpose of this paper is two-fold: first to deductively demonstrate the general principle that *there is no valid need of man which cannot be met by voluntary cooperation, based on reason and trade*; second to suggest specific ways in which the agencies of retaliatory force of a free society could be financed and operated. The specific ideas for operation and financing are simply *one possible* application of the more general principle cited above; they are not the *only possible* such specific application. Indeed, having read this essay, the reader is apt to think of many alternative possibilities himself. This is in fact exactly what is hoped for: that the reader start positively and creatively thinking in terms of a society without coercion.

The specific proposals for the operation and financing of agencies of retaliatory force presented here are original with the author, and exclusively a product of his own creativity (except where noted otherwise). However, it is highly probable that many of these ideas have been discovered independently by others. The main distinction of this essay, then, is that it formally presents *many ideas* of social organization as *an integrated concept*.

In addition to the specific conception of agencies of retaliatory force, the proof of the impossibility of one individual being able to determine the rational self-interest of another in the general case, and most of the theory of property presented here are original with the author. Finally, I take full credit for the concepts presented here for creating a free society.

The general principles presented and applied in this essay are based upon the ideas of two major theoreticians: Ayn Rand, founder of the philosophy of Objectivism, and Ludwig von Mises, founder of the Austrian school of economics. In particular, the section on "the nature of society" draws heavily upon principles elucidated by Ayn Rand. I would then like to acknowledge these two major intellectual sources, without whose works the composition of this paper would have been highly improbable. In addition, I would like to thank Mr. Roy A Childs, Jr., of Buffalo, New York, a philosophy student with a brilliant future, whose extensive correspondence with me led to the correction of a number of myths which I held concerning the nature of government.

Jarret B. Wollstein

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SOCIETY WITHOUT COERCION

INTRODUCTION

Since time immemorial men have sought the ideal of a peaceful, prosperous and just society; a society in which they could be free to produce and act without the fear of force being initiated against them by their neighbors. Many sincere and intelligent men have attempted to create such a society; but despite their efforts, for the over two thousand centuries of human existence, the realization of that ideal has eluded all. Strife, poverty, slavery and fear have been the continual lot of the overwhelming majority of men throughout history; and even today, in the age of the space ship and cyclotron, it still is so. In the year 1969 over one-half of the population of the earth is enslaved by totalitarian dictatorships, which differ in principle in no important way from the despotisms of ancient Egypt and Rome. Of the remaining half of mankind, half again know continual hunger; and of all of earth's teeming billions, there is scarcely a one who will not at some time know the violence of his neighbors.

Strife, poverty, slavery and fear have been such common features of human existence that it is easy to mistake them for the natural state of man, and many have done so. Yet there is in human nature a seldom realized, but vitally real potential for creativity, achievement and happiness capable of creating a society peaceful and prosperous beyond the wildest dreams of poets and prophets. We see the embryo of that potential in the gleaming towers of industrial America, in the concerts of the musical masters of the eighteenth century, and in the love for a person who personifies the highest of our values. With this limitless human potential for achievement and happiness why is it, then, that in the history of society we most often find personified the lowest of man's vices, rather than the highest of his capabilities? What prevents man from achieving the best within himself? What specifically is it in the organization of society which reduces most men and nations to emaciated skeletons of what they might and ought to be?

While the specific factors are many and complex, the general answer is simply the initiation of force -- the act of taking life or property which belongs to another, without his consent. The name of the form of society which initiates or tolerates the initiation of force is the coercive society, and the alternative to it is a society without coercion. We will now begin by examining the nature of man, human action and society.

1.0 THE NATURE OF MAN

The dawn of man and the pageant of human history began in the primeval night of tropical Africa. At a time at least as distant as 2 million years ago, and perhaps as distant as five millions years, the first man-ape took an evolutionary step which forever set him and his species apart from all other creatures of the earth: he began to think. The content of that first thought men may never know, but its significance they can never successfully evade. By thinking, by looking beyond the undifferentiated whole of emotive reaction and by seeing beyond the unintegrated quanta of discrete, unrelated entities which comprised the sentient universe of the brutes about him, man-ape became man; and an evolution of mind was begun whose final consequences we can not know even today. By thinking, that first genius of pre-history left forever the garden of innocence of his predecessors, and opened for his race the twin paths to heaven and to hell -- paths leading to worlds of mind beautiful beyond ecstasy and ugly beyond horror. Both would be the solitary earthy dominion of man, the rational animal.

The rational animal alone of all of earth's species was confronted with alternatives of existence: to be man or not to be, to think or not to think, to create or to loot. For all of the other animals of man's world, only one mode of existence was possible -- the animal; and only one means was available to achieve it -- force. For other creatures the environment and the law of the jungle were absolute and uncontroversial. They could be successful or not in the bloody contest for a static food supply and in the unending battle against the elements, but they could no more change those conditions of existence than they could change the sun. For the animal, the physical environment is a metaphysical given. But for man, it was and is different.

Man could either reduce himself to the animal's mode of survival and submit to his environment; or he could soar beyond the timeless cycles of animal existence, by first understanding his environment and then controlling it. Man could either realize that rational potential inherent in his nature, or he could renounce it and return to the primeval slime from whence he came. Man could either obey the law of the jungle mindlessly, or he could use his mind to consciously comprehend it and thereby escape it. The latter choice, the choice to think or not to think, would be with man for the uncountable centuries of his existence.

In order to fully realize his human potential for creation, man had to renounce the animal's unthinking mode of survival and act not on the range-of-the-moment, but on the basis of long range principles. The basic discipline which provides such principles is ethics: "...a code of values to guide man's choices and actions -- the choices and actions which determine the purpose and the course of his life.¹" Ethics, properly conceived, is neither a subjective whim of man, a divinely ordained set of rules, nor an arbitrary group of social conventions -- ethics objectively are a practical guide to human action and life on this earth.

The full ethical implications of the fact that man is a rational being were not realized until millions of years after his inception. Despite the attempts of the intellectual giants of scores of human civilizations, the riddle of what principles

of morality constituted a valid guide to human action remained for Ayn Rand² and her revolutionary philosophy of Objectivism to solve in the twentieth century.

The basic principle of the Objectivist ethics is that man should act in accordance with his nature to maintain his life as a rational being and achieve his own happiness. By saying that man *should* act in accordance with his nature, Objectivism simply recognizes the fact that man *must* do so in order to survive as man, i.e., as a rational being. Not to act in accordance with his nature means for man to risk destruction, physical and psychological.

To act in accordance with one's nature means to pursue one's own *rational self-interest*. This entails holding one's own life as one's highest value and using reason to integrate and evaluate the material provided by one's senses. Secondly, it means to act to produce the necessities and luxuries of human existence. Unlike other animals, the wealth available to man is not a static quantity, determined solely by his environment. For man, wealth is a dynamic quantity proportionate to his ability to create and produce. Man is not limited to picking fruit from trees and vegetables out of the ground; he can also cultivate and increase the productiveness of the earth immeasurably.

However, even with his ability to increase the wealth available to him, the individual by himself is still in little better shape than the animal to survive if he must produce each and every necessity of his existence himself. If the individual is solely dependent upon his own resources for survival, there will be many tasks which he will have to do, but which he will only be able to do poorly. It is highly improbable that any single individual could be very proficient at everything. In isolation, then, the individual faces a constant battle for survival which will consume most of his energies and time, leaving little opportunity for abstract thought and the creative use of his mind. At most, if he wins the battle, the individual can expect to exist at little more than a subsistence level of survival. In order to use his abilities and energies to their maximum advantage, the individual clearly needs to be able to draw on more than his own productive abilities in isolation.

The solution to man's "problem of production" is clearly to somehow to gain access to the production of others. There are two basic ways in which the individual can do this. Either he can seize the productivity of others by force, or he can acquire it through voluntary exchange. If an individual chooses the first alternative, and seizes the productivity of others, he has in fact chosen a sub-human, animal mode of survival and evaded what human productivity requires. To be productive, man must have some incentive to produce. *Before any goods can be looted, they must first be created.* If a man is denied the enjoyment of his own productivity, then he will have little incentive to continue to produce. Thus, the looter ultimately defeats his own purpose. By seizing today what another man has produced yesterday, the looter discourages him from producing tomorrow. Therefore, the consequences of seizing the productivity of others is to undermine and destroy the basis for human wealth. The second alternative is to trade with others.

Trade is the exchange of ideas, services, goods or other values, by the voluntary consent of two or more individuals, for the purpose of mutual profit. For a transfer of values to be properly called trade, rather than theft, it is necessary and sufficient that all parties to an exchange own the goods which they are trading, that they

understand the conditions of the exchange, and that they participate freely. When men deal with each other through trade, all parties to an exchange profit; that is, their physical or psychological well-being and happiness are increased by the transaction. If their well-being and happiness were not enhanced, there would be no reason for them to expend the effort necessary to engage in exchange. Since all parties to voluntary exchange profit, there is, in a community of trade, constant incentive to increase one's production and to trade with others -- always seeking the greatest value in exchange for one's own possessions. In the competition for the values offered by others, men are required to ever increase the efficiency and sophistication of their own productivity (if they wish to maintain their clientele). Thus trade sets into motion the process of rising technological advancement and efficiency; as well as continually higher human health, security and happiness, which are their consequence.

Thus far, we have only dealt with two specific forms in which the individual can act to further his rational self-interest: productivity and trade. Let us now discuss the general concept of rational self-interest in more detail. *In general, to act in one's rational self-interest means to make maximum use of one's skills, knowledge and opportunities in pursuit of one's own happiness, recognizing the nature of one's self and one's environment.* There are several types of actions which are demonstrably in the rational self-interest of *all* men, such as production and trade. However, there is no general solution for the problem of determining the rationality of each specific choice and action of an individual. In fact, it can be conclusively proven that it is impossible to make such a determination today. The reason stems from both certain facts of man's nature, and from the present state of knowledge in neurology.

First observe that man is a *self-modifying organism*. This means that the same "stimulus" presented to him today and tomorrow can elicit different responses because man's future action is modified by his past experiences -- that is, man changes as a result of experience. This means that *time itself is a variable in human action.* Now the second fact to remember is that the nature of thought and the structure of the brain are largely unknown today. The internal circuitry, as it were, of man's mind is largely unknown. For these reasons, *it is now socio-metaphysically impossible (i.e., impossible given the nature of reality and of present knowledge) to predict exactly what the individual will do in the future, even assuming that somehow the totality of his past behavior is known.* I will now prove this fact.

The impossibility of one man absolutely predicting the future actions of another can be expressed in terms of what is called the "black box problem" in physics. In physics, the question arises: given a box containing unknown internal circuitry, can one determine the nature of that circuitry and hence its action on future input signals, given also correlated past input and output signals? In simple language, knowing what went into and came out of the black box in the past, can one know what will come out in the future if one knows what is going in now? The answer is that one cannot know if the black box contains self-modifying circuits -- in the terminology of cybernetics, if it "learns". This fact can be and has been mathematically proven.

Since man's mind does contain "self-modifying circuitry" and its complete structure is unknown, it is therefore socio-metaphysically impossible to completely predict the future actions and knowledge of another man, even knowing the totality of his past environment and actions and his present environment. Until the nature of the brain and the mind become complete known, there will remain a large element of un-

certainty in one's knowledge of the present thought and future actions of others.

The individual himself is, of course, not nearly so constrained. He can know much more exactly what he is thinking at the present time, through introspection, and much more exactly what he will do in the (at least immediate) future from past experience and from knowledge of his present values. For these reasons, it is possible for the individual himself to determine his rational self-interest.

Moreover, since it is socio-metaphysically impossible for any person other than the individual himself to be aware of his own needs, knowledge, desires and capabilities at any given time, it follows that it is socio-metaphysically impossible for one individual to really determine the rational self-interest of another. For this reason, the individual should be free to think, choose and act in pursuit of his own rational self-interest. To interfere with this freedom is to thereby prevent the individual from *achieving* his rational self-interest and thereby to interfere with the maintenance of his life qua man. This is the actual reason why coercion is irrational and immoral, and why man should be free³.

1.1 THE NATURE OF SOCIETY

Human society is a group of men related by inter-dependence, involving communication, commerce and/or purposeful physical contact. Society provides man with a vast variety of benefits which are summarized by the two cardinal values of *trade* and *protection from risk*. We have already discussed the value and virtue of trade. Let us now consider the nature of social protection from risk.

Social protection from risk is basically the use of accumulated resources to minimize dangers to oneself. There are four major sources of risk which an individual might encounter in his environment: (1) *natural violence*, (2) *human violence*, (3) *individual ignorance* and (4) *future uncertainty*. The individual is protected from *natural violence*, e.g., dangerous beasts, the elements and other natural forces, by the existence of protective social artifacts, such as houses and "hunting parties". The individual is socially protected from *human violence* within a particular community by custom, laws and police forces; and through armies he is further protected against violence from other communities. The individual is protected from many of the dangers of *his own ignorance* by being able to draw on the accumulated knowledge and experience possessed by his society. In more primitive societies this knowledge and experience is transmitted by means of a *verbal tradition* (i.e., by word-of-mouth and by tales) and by the imitation of others. In more sophisticated societies, it is transmitted by written records and by formal instruction. Finally, the individual is socially protected from much *future uncertainty* by social bonds (e.g., friendship and contracts) which make the assistance of others available to him in the event of his own failing. Thus in a primitive society, the young traditionally care for the old, and in a modern society a large number of insurance schemes are available which enable the individual himself to provide for possible future sickness and injury, or for old age.

Despite these tremendous benefits which society can offer the individual, for the rational man, society is not an end in itself, but simply *a means to the end of*

his own happiness. Society is nothing but a group of individuals, and only the individual can strive toward ends. To speak about the nature of or the ends of a given society is only to speak about the nature and ends of many or most of the individuals who comprise it. Society has no independent existence, purpose or value outside of the existence, purposes and values of the individuals who comprise it.

The rational man values society not simply because he happened to be born into it, or simply because he is accustomed to living within it, but because in society he *may* achieve an expression and realization of self far beyond his possible attainment in isolation. Indeed, society is not by necessity of value to the individual, nor does the rational man feel compelled to live in the society into which he was born. If a society acts to enslave its members, to compel them to act to achieve goals desired by *others* rather than goals desired by *themselves*, the individual in society may experience a degradation and destruction of self impossible in isolation: witness the level of human existence in the slave states of Communist China and Soviet Russia. Society is, then, not an unqualified value to man, regardless of its form. What society is to the individual -- implement or impediment, fulfillment or abnegation, heaven or hell -- is determined by its fundamental form. There are two basic forms which any society may take: voluntary (or free) or coercive (or slave).

A free society is founded upon the concept of respect for the integrity and the rights of the *individual*. Its guiding sociological principle is *voluntary association among men*. *Voluntary association* is the principle that men should be free to form those relationships which they choose, and that all social organization should be a consequence of such voluntary commitments. The principle of voluntary association is a recognition of the fact that since only the individual can know his own rational self-interest, man is an end in himself, and not a means to the ends of others. The concept of voluntarism also means that the individual should be free to think, dress, eat, live, mate and act as he pleases, so long as he does not violate the rights of others.

A right is a claim made by the criteria of innate possession, creation or earning. To recognize the rights of the individual is simply to recognize a fact of reality. Fundamentally, the individual owns his own self (body and mind) because this is in fact what is meant by the concept of "an individual" -- a unique, self-determining entity. Then, using his body and mind, the individual can also come to own *property*. Property is a relationship between an individual and an entity. It is a relationship created through the actions of the individual with respect to an entity, and consists of the right of use, control and disposal of that entity. The major form of establishing such a relationship in modern society is through work and trade.

Any entity which an individual owns by right, he may be said to have a *property right* to. Property rights are the application of the right to life to the material objects of man's world. Property rights consist of the recognition of the fact that by acting on entities man is the cause of lasting alterations in them, and by this act acquires the right to use and dispose of them.

Formally, *property* may be defined as *any entity which the individual owns (i.e., can use and dispose of) by right*. There are two classes of property: physical and intellectual. *Physical property* is any physical entity (e.g., land) claimed by right; and *intellectual property* is any mental entity (e.g., a concept) claimed by right.

An individual comes to own *previously unowned property* (physical or intellectual) essentially by use -- in the terminology of John Locke, by "mixing his labor with it" If a persons uses an entity without lasting alteration of its form, the individual may then be said to own it during the time of use. For example, when an individual walks across an unowned field or throws a rock into a pond, he may be said to own these entities respectively during the time it takes him to walk across the field and the time it takes him to throw the rock. If a person in using an entity causes lasting alterations in its form *which are of value to him*, the individual then owns such entities in perpetuity. For example, when a farmer tills a particular tract of land, and builds a house and barn on it, he comes to own it permanently -- he has caused a lasting alteration in the property.

An individual may obtain ownership of *previously owned property* by either receiving it as a gift from the previous owner or by trading with him. Initially, the child will receive food, clothing and shelter as a gift from his parents. Later, in an advanced industrial country, he will trade his labor for a salary by working for a business. When individuals trade values which they own by right, the exchange if moral and proper, and requires the sanction of no outside party. When trade is conducted freely, all parties to it profit and (so long as fraud is not involved) exploitation is impossible. It is a commonly held myth that when an individual buys a good, the seller profits, but the buyer does not. This notion is completely incorrect. If the buyer did not value the good which he purchased *more* than the money which he possessed, there would have been no reason for him to buy the good. In a (non-fraudulent) voluntary exchange, both the seller *and the buyer* necessarily profit.

In a voluntary exchange, the individuals involved have a right only to what they have agreed to trade. For example, a worker in a factory only has a right to his salary -- he cannot morally claim that his working there somehow gives him a right to control the factory's production. Conversely, the employer only has a right to require that his employees work the agreed hours -- he cannot morally attempt to require them to work longer than they have agreed to work. Similarly, a student only has a right to demand that the school which he is attending provide him with the education which he contracted for -- he does not have a right to demand that he or his representatives plan the college curriculum, any more than the administration has a right to plan his sex life or choose his major.

When individuals trade values which they own by their voluntary consent, the exchange is thereby moral and proper, consequently neither requiring nor permitting any intervention by a third party. It is, for example, immoral for an outside party to tell an employer that he cannot hire a man for less than a certain amount (which is precisely what the government does with its unjust minimum wage laws).

Once the relationship of property is established, the individual's right to his property is therefore absolute and inalienable, as absolute and inalienable as the actions which originally created the property. The name of the economic system which recognizes the property rights of men is *laissez-faire capitalism*. *Laissez-faire capitalism is an economic system in which all property is owned by the individuals who earned it, trade is conducted by the mutual consent of the individuals who wish to participate in it, and force and fraud are barred from the market.* To interfere with the freedom of the market is to interfere with the freedom of the individual to use his own mind and body for goals which he himself sets.

In essence, the rights of the individual consist of the rights to life, liberty and property. It is important to point out that there is and can be no conflict between these three rights, for they are in fact all simply different names for the basic human right to life. An often heard platitude today is that "human rights (meaning: the rights to life and liberty) are *more important* than property rights" For example, it is asserted that apartment or motel owners do not have a right to discriminate on the basis of race, and that the human rights of tenants *take precedent* over the property rights of realtors. This is an absurdity. Property rights are nothing but a sub-class of human rights. To prevent a man from setting any conditions which he wishes on the use and disposal of his own property is not to set the principle of human rights "above" the principle of property rights, but to place the desires of one group (in the example used above, the would-be tenants) above the rights of another group (in the example used above, property owners). The individual has a right to set *any conditions* which he wishes on the use and disposal of his property, be that property his wages or his skyscraper. Those conditions may be rational or irrational, a man may refuse to rent to Negroes or rent only to Negroes -- but whatever the conditions, they are the owner's to set.

Property rights are not contingent upon the amount of property involved. In the above example, the would-be tenants have no more right to force an unwilling realtor to rent an apartment to them, than does a realtor have a right to force unwilling tenants to move into his apartment. Both realtors and tenants have an inalienable right to use and dispose of *their own* property. The property of the would-be tenants is their money; the property of realtors is their buildings -- but the rights of both are the same: to control their own possessions. There is no conflict between human rights and property rights because they are one and indivisible. To deny a man his right to property, meaning his unabridged use and enjoyment of his own property, is to deny him that portion of his life, meaning his labor and thought, which went into his creation or earning of the property. Since men are material beings, without property rights, no other rights are possible.

Notice that the concept of rights applies fundamentally to *actions* rather than to *entities*, or to put it another way, to the pursuit of ends rather than to their (guaranteed) attainment. To have a right to act is not to have a right to have one's success guaranteed. All actions involve risk -- in general the risk of failure. To have a right to life therefore means only to have a right to pursue life, not to be guaranteed that one will be provided with food, clothing and shelter in order to live. To have a right to liberty means to have a right to speak, move, create and in general to act. It implies no guarantee that one's actions will be successful. To have a right to property means to have a right to attempt to trade, earn, profit and control that which one owns. It does not mean that one can demand that others guarantee one's success or provide one with all of the property which one desires. Thus men do not have an inalienable right to purchase the goods owned by others. They only have a right to attempt to do so, and to demand that they not be interfered with if those others prove willing to trade.

There is the widespread misconception today that man's rights consist of the right to specific entities; e.g., a job, an education or an income. This is totally false. All entities are the property of their owners who have the exclusive right

to decide how to use and dispose of them. Only the employer has the right to decide whom he will hire; only the administrator has the right to set entrance requirements to his college; and only the worker has a right to dispose of his own income. To claim a right to a job, an education or an income is to claim that the owners of these specific entities -- factories, schools and salaries -- do not have a right to them. But there can be no right to the unearned. An individual has a right only to *his own* life, liberty and property. To claim a right to another man's life, liberty and property is to evade and contradict the meaning of the concept of rights itself, and therefore to invalidate the moral basis for one's own claim.

The foundation of a free society is thus the inalienable rights of the individual to his own life, liberty and property; voluntary association; and the free market. Accordingly, the negation of a free society is the violation of man's rights, forced association between men and the suppression of free trade. All of these manifestations of a coercive society can be summarized by a single concept: the initiation of force.

*To force is to cause an individual to act against his own judgment or to unwillingly (i.e., under the threat of harm or misinformation) surrender a value.*⁴ A value is any possession of the individual, including his life, property and state of health. There are two types of force: initiatory and retaliatory. To *initiate* force is to use it for the first time; for example, to attack a person. To defend oneself against an attacker is to use *retaliatory force*. The murderer, the thief, the looter, the embezzler, the dictator and the soldiers of an attacking army are all examples of initiators of force. The policeman (ideally), a businessman who defends his store from looters, the innocent victim who defends himself from a mugger, the husband who protects his wife from a rapist and a defensive army (one whose function is to protect a society from invaders) are all examples of persons who are using retaliatory force.

In the same manner that we may distinguish between *individuals* who initiate and retaliate against force (or identically, who violate and defend man's rights), we may also distinguish between societies which tolerate and which do not tolerate the initiation of force. The former we will term a coercive society; the latter a non-coercive society.*

The distinguishing characteristic of a coercive society is the violation of man's right by the initiation of force. Thus some man or group of men in a coercive society will dictate to others what they will and will not do, under pain of deprivation of property, imprisonment, injury and death. It does not matter whether the coercive individuals or groups identify themselves as bandits, the Mafia, the church, the party, the government, chief, Pharaoh, king, high priest or president. What is important is whether or not they initiate force. If they do, they are all simply criminals, regardless of their aliases and pretensions.

It is important to note that while men usually recognize criminal acts when they are committed by *an individual, in the name of his own interest*, they often fail to recognize the very same acts for what they are when they are committed by

*At this point a word of caution. When we say that a society is coercive or non-coercive, we do not of course mean that every individual in a society is coercive or non-coercive. Clearly this is seldom if ever the case. Rather what we mean is that through either custom, law, or default; within a given society, the initiation of force is frequently sanctioned or tolerated, or it is not. Thus the concepts of coercive and non-coercive societies refer to general characteristics of groups rather than to the universal behavior of their members.

some large gang, in the name of "social justice" or "the common good". Not only are acts thus committed not recognized for what they are, but they are even often regarded as just, proper and praise-worthy! Thus when a man breaks into a store at night by himself and steals its goods, he is recognized as a thief, but when a gang does the exact same thing during the day, calling itself the "Welfare Rights" association and calling their action a "protest against social injustice" they are excused or even lauded.

However, morality and man's rights are not a question of the size of one's gang. The same actions which are wrong for a single individual by himself, are just as wrong for a group of individuals in a gang. Theft, murder and assault are wrong whether these acts are participated in by one man, calling himself "Jack the Ripper", or by a million men calling themselves "the government". The social criteria of moral action is respect for the rights of man. No individual or group, minority or majority, church or state, has the right to initiate the use of force.

The possibility that man's rights may be violated, the existence of persons and groups who see initiatory force as an acceptable means to their ends, create the necessity for *agencies of retaliatory force*. Man has an objective need for such agencies: to protect the Negro from the white racist, to protect the businessman from the thief; in general to protect the innocent victim from the criminal.

Historically, several agencies of retaliatory force have been used, from the vigilantes of the Old West, to the sophisticated police forces of modern States. However, since such agencies deal in force and become proficient in its use, there is always the danger that they will cross the line from retaliatory to initiatory force and become even worse violators of man's rights than the threats which they were initially formed to combat. The largest agencies of force which have ever existed, and therefore potentially the greatest violators of man's rights which have ever existed, are modern governments.

2.0 THE NATURE OF GOVERNMENT

Government is, by definition, a "social monopoly of force." The greatest instrumentalities of force which have ever been assembled, the police forces and armies of the world, are at the disposal of governments. With these great agencies of force at their disposal, the potential ability of governments to violate the rights of the individual is accordingly great and indeed it is easy to see that they have done so. Whenever one thinks of the worst injustices in history -- massive wastes, confiscatory taxes, purposeless wars, great depressions, slavery, concentration camps and genocide -- one inevitably finds that such injustices were either a direct or an indirect result of governmental action. At the same time, governments usually meet valid and basic needs of human society (although almost never in a valid way). Thus governments also provide water power and roadways, prevent fraudulent business practices, combat air pollution, quell riots, protect patents and copyrights, capture criminals and defend their citizens against foreign invaders.

Yet even in doing so, governments also almost invariably violate the rights of their citizens. What is it, then, that differentiates the proper from the improper actions of governments?

What determines what is proper and improper for governments to do are, in essence, the same principles which differentiate the proper from the improper actions of the individual. Despite the lofty pretensions of most governments, the fact remains that they, like any other group of men, are nothing more than a collection of *individuals*. The "rights of a government", like the rights of any other association of men, can be morally no different than the rights of the men who comprise it. All that which is immoral for men acting individually is equally immoral for men acting in association. There is nothing which a government *can* morally do, which individuals by themselves *cannot* morally do. The group is ethically no different from the individual.

Consider the following situation: During the course of a day, one man approaches a second and demands of him that he surrender a portion of his income, on the grounds that the claimant needs the money more and knows better how to spend it than does the second man. If the second man refuses to surrender his money, then the first man attempts to take it by force. If the second man continues to protest and resist, the first man then shoots him. Now who would call the first man anything other than a thief and murderer? Who could regard the second man as anything but an innocent victim? The first man is clearly immoral and the second is clearly blameless.

Now let us suppose that instead of being one man, the would-be thief is a part of a larger gang, which calls itself "the Mafia." Now if the Mafia proceeds to rob the second man as did the lone criminal, would their actions be any the less criminal simply because there were five or ten of them instead of only one? The only rational answer is that their actions would not be any different, that robbery is robbery and murder is murder whether it is being committed by a single thief by himself, or by a thousand acting in concert.

Finally, let us say that our original thief is a member of a very large gang, that he in fact claims to be a representative of a group called "the Internal Revenue Service" and that this group is further empowered to seize money and property by an even larger group which is called "the Government". Instead of calling himself a criminal, our thief calls himself a "tax collector", and instead of saying that he is taking money and property for himself, he claims that he is collecting it for "the poor". Now how, I ask, is this "tax collector" any different from the lone criminal or a member of the Mafia? Like the criminal, the so-called "tax collector" is taking money or property which does not belong to him, for a purpose which his victim does not choose to voluntarily support (for if the victim voluntarily supported the tax collector's cause, there would be no need for him to forceably seize his money or property). Like the criminal, the tax collector will seize the man's property if he does not surrender it to him, and like the criminal the tax collector (or his agents) will kill the man if he attempts to protect his own property.

It is irrelevant whether a man steals by his own authority or with the sanction of a million others, whether he takes money for himself or for "the poor", or for any other group which did not earn it. Theft consists of taking a man's property

against his will, regardless of the beneficiary. If the individual has an inalienable right to his own life, liberty and property, then morally his life and property are his own to do with as he pleases. It is just as immoral for a government to attempt to tax his earnings, regulate his business or draft his sons as it would be for some isolated individual acting on his own authority to do so. The association of men into a group called "government" does not free them from morality or sanction actions otherwise immoral.

It is also irrelevant whether the tax collector's victim has some of his property returned to him in the form of road usage, postal services, police protection, etc., or not. Since it is government, rather than the individual, which is deciding what is to be taken and what is to be given, the individual's control of his own property has still been lost. The return of the tax collector's victim's property in the form of certain governmental services is not trade but theft. In *trade* exchange is conducted by the *mutual consent* of the individuals who wish to participate in it, *according to their own terms*. In *taxation* the individual's property is taken from him *without his consent* and services *may be* returned to him *according to the government's decrees*. For this reason, the only thing which one can call taxation, the foundation of modern governments, is theft.

Now that it has been made clear that the same moral law applies to governments as applies to individuals, we can begin to innumerate the actions of governments which are clearly immoral. Firstly, any actions committed by governments which force the individual to act are immoral since they are violations of his human right to life and liberty. Thus, in modern times, forceable participation in social security or medical care programs, conscription, forced housing and public accommodations laws and compulsory attendance at public schools is immoral. Secondly, any interference with actions conducted by the mutual consent of the individuals involved is immoral. Thus laws prohibiting certain forms of sexual intercourse, laws against drugs and anti-abortion laws are immoral. Thirdly, any interference with free trade is a violation of man's right to property. Thus anti-trust laws, censorship, gun-registration and minimum wage laws are immoral. Finally, the deprivation of the individual of any value, physical or mental, is immoral. Thus taxation, welfare programs, rent controls, the regulation of currency, zoning, subsidies and tariffs are immoral.

To put it on a more personal level, whatever else it should do, a government can not morally tell a middle-class office worker that he must pay 20% of his income to feed unwed mothers and ship computers to the Soviet Union, send his children to a school that will teach them that their father is a member of a corrupt and sinful generation, contribute to socialized medicine and censor his TV set. The government of a moral society could not tell a poor Negro willing to work for less than \$1.60 an hour that he cannot work for that amount, even though his employer cannot afford to pay him more; tax his income to build space ships and to pay farmers not to work; force his children to fight in Vietnam; or destroy his home in the name of "urban renewal." Government also cannot properly tell a corporation president that he must force his employees to join a union, cannot build a new factory without government approval, must pay 52% of his profits to subsidize Appalachia and build dams in the Tennessee Valley, cannot merge with GM, and cannot charge less than his competitors. In general, government can not morally coerce, threaten, harass, intimidate, investigate, conscript, regulate, censor, compete with, tax, subsidize, insure, license, inspect, indoctrinate, spy on or murder its citizens. In other words, whatever else it does, the government of a free society does not itself act as a criminal in the name of its citizens, or try to judge and live their lives for them.

What then are the functions left which government might conceivably engage in? The answer is *those which deal exclusively with the use of retaliatory force*, for government to essentially act as a "policeman of man's rights." This is exactly the limitation of functions which philosopher-novelist Ayn Rand proposes. Miss Rand defines what she considers to be a proper government as "an institution that holds the exclusive power to *enforce* certain rules of social conduct in a given geographical area⁵", in essence, a social monopoly of *retaliatory force*. This is what we will call a *limited government*.

It would seem that the limited government advocated by Miss Rand would restrict its functions to primarily those now conducted by the Judicial Division of the U.S. Government. Specifically, the primary functions of a limited government (and its associate implementary agencies) would be as follows: (1) the passage of laws defining and dealing with the use of initiatory and retaliatory force (the Legislative Branch); (2) the administration of such laws (the Executive Branch); (3) the registration of patents and copyrights (the Bureau of Patents and Copyrights); (4) the enforcement of contracts (Contract Enforcement Division of the Justice Department); (5) the prosecution of fraud (Anti-fraud Division of the Justice Department); (6) the investigation of crimes and the arrest of criminals (police forces); (7) the prosecution of criminals and the adjudication of the differences between men (court system); (8) the punishment of criminals (penal system); and (9) the protection of the society from foreign invaders (armed forces). We will now consider the morality of such a limited government.

2.1 The Morality of Limited Government

Although such a limited government as described above would be a tremendous advancement over all of the political forms which man has ever known, there are still a number of questions which arise concerning its morality. First there is the question of how its national boundaries are properly determined and what makes its laws (e.g., its constitution and procedural rules) binding upon a society? Second, there is the question of whether a limited government can require men to patronize its services or participate in its activities. Lastly, there is the question of how a limited government can morally prevent competition with its own functions; i.e., how can it maintain its "social monopoly of retaliatory force?"

Historically, national boundaries have been finally decided by force -- the power of a ruling elite to maintain dominion over a given territory, against domestic and foreign challenges to their authority, by virtue of force of arms. If there was a dispute over which national group controlled a given piece of land, differences were settled by going to war, victor take all. Similarly, national laws were historically decided by force -- the power of the ruling elite over its citizens. The state and its government then emerged, in general, not as the product of rational thought and voluntary agreements, but primarily as a consequence of simple brute force. The United States is only a partial exception to this rule. It is true that America originally offered *groups*, such as the Puritans or the Germans or the Catholics, if not *individual members of such groups*, a place where they could live according to their own beliefs. However, throughout its history, in the Indian Wars, in the Mexican-

American War, in governmental sanctioning of slavery, and in hundreds of other instances, the boundaries and the laws of the United States have been based upon force. The most that can be said for the United States is that it was, in the 19th Century, the freest country of the modern world, and is still, in the 20th Century, *among the freest*.

If one recognizes that the rights of the individual, including his property rights, are inalienable, then the only way in which social boundaries could be properly formed is by individual property owners voluntarily coming together to form a community whose boundaries are defined by their holdings. If within the perimeter formed by such holdings there existed an individual who did not wish to be a party to the community or consider himself a member of its "state," then he morally would be free to do so; and the external community would not have a right to force him to pledge allegiance to their national territory, flag or goals. In a free society, each individual is in fact an autonomous state in himself, free to associate or not with a larger group. In a free society, cooperation between men, and hence the geographical boundaries of social groups, is a product of voluntary association.

Applying the social principle of voluntarism to an existent nation-state such as the United States, we find that its present political boundaries are essentially the arbitrary product of the coercive organization of the state, rather than the product of a voluntary association of men. Consequently, there is no reason to consider present U.S. boundaries as either necessary, or as necessarily proper and just.

In addition to having a right to associate himself with a larger group, in a free society any individual would also have the right to *dissociate* himself from a formal society at any time (so long as he did not in the process violate a prior agreement). At no time can it be assumed that simply because a present political boundary exists, that men are morally obligated to respect it. It may be impractical and irrational not to respect existent political boundaries; but there is nothing sacred about them, especially not today when virtually all societies are coercive.

Similarly, there is nothing sacrosanct about the laws of today's societies. As we have already seen, most of the activities of the government of the United States are clearly immoral and a violation of the rights of the individual. Since the individual *always* has the right to retaliate against those who initiate force against him, there is no obligation on the part of the individual to obey most existent laws. Indeed, since the draft, censorship and a host of other laws threaten the very physical and intellectual existence of the individual, draft evasion, underground presses and a host of other illegal acts are thoroughly moral and proper.* There is simply no obligation on the part of the individual to obey laws simply because the laws exist. If the individual's rights are violated by laws, he is morally justified in regarding the unjust laws as a criminal invasion of his privacy and in retaliating accordingly.

There is, however, one type of law which is morally binding on all men -- objective law. An *objective law* is one which is based on the objective facts of reality and on principles derived from those facts. In general objective social laws are those which

*Whether they are to the individual's rational self-interest is another question, the answer to which depends upon many specific situational factors, such as the probability that the individual will be penalized for engaging in them or that his later success will be jeopardized by such acts.

prohibit the initiation of force and protect the rights of men. Laws against theft, rape, embezzlement, arson, larceny, assault, fraud and murder are examples of objective social laws. The individual is bound to obey objective social laws in the same way in which he is bound to obey objective physical laws: both are statements of facts of reality whose attempted evasion will be to the detriment of the individual. Just as an individual risks *physical destruction* when he tries to evade the law of gravity by attempting to fly by jumping off a cliff and flapping his arms, so an individual risks *psychological destruction* by attempting to build a fortune on stolen money. Both the would-be flier and the would be "robber baron" are attempting to defy objective conditions of their environment. This can only result in the attainment of the opposite of what they seek. Thus, the would-be flyer falls to the ground rather than rises in the air, and the would-be entrepreneur finds that his property mocks him rather than gives him happiness.

If the "constitution" of a society consists of a statement of objective law which prohibits the initiation of force, then it is objectively valid and morally binding on men -- all men, in fact, and not just the men of the particular society for which it was written. However, if the constitution of any society (other than a proprietary community, which will be discussed in sub-section 2.2) attempts to do more, for example, to prescribe political forms for the society, such as elections, and a division of powers, then that constitution is not binding upon men in those aspects. The reason that a constitution is not binding upon men in those respects should be obvious. How for example, can some group of men, declaring themselves to be the "representatives of the people" require that men vote every 4 years, or indeed at all? What principle of objective justice requires men to pledge their allegiance to the national political structure simply because they were born in a land where the structure exists?

This leads us to the second question about the morality of a limited government: To what extent, if any, can such a government require men to participate in its activities? Remember first, that a free society is a voluntary association of men, according to their own terms, for their own ends. Thus a free society cannot compel men to vote in its elections, register their inventions with its bureau of patents and copyrights, or make them patronize its courts (unless they have committed a crime). A free society can only prohibit initiatory force. In essence, a free society is one in which *participation* is also free. If an individual wishes to live in the territory of a given society without participating in its institutions and programs, that is his right. So long as he respects the rights of others, he is totally free to do as he pleases. So long as he violates none of his past agreements, his future choices are his to make.

Finally, we come to the crucial question of "how a limited government can morally prevent competition with its own functions; i.e., how can it maintain its 'social monopoly of retaliatory force?'" Let us first consider this issue in terms of a specific case. What happens if, for example, a group of men living within a "limited government" United States of the future decide that the state's police force is inefficient and that they could do a better job themselves. They then proceed to create their own "agency of retaliatory force" by hiring detectives and guards, and advertising their services on TV and in the newspapers. Let us assume that they proceed unhampered by government for awhile and build up a sizable business through their competency. After a few months this private police force is serving thousands of citizens and is so competent at their task that they make fewer false arrests, catch more criminal, prevent more crimes and charge less proportionately for their services than does the state police force. Eventually, the state of course notices this "pri-

vate defense company." What are they to do now? The state has two basic alternatives: it can either leave the new free market defense company alone to prosper or fail, as dictated by its future actions, or it can decree that the defense company has usurped a rightful function of the state and order it to cease operations under penalty of fine, imprisonment or death of its managers and employees. Now if the state does the former, if the state adopts an attitude of laissez-faire toward the defense company, then the state's monopoly of force will have been broken and it will no longer be a government at all in the sense of a "social monopoly of retaliatory force." However, if the state does the latter, if it attempts to intimidate or to physically destroy the new defense company, it has then initiated force against innocent victims (persons who have not initiated force themselves). It does no good to assert that the state's action is moral since somewhere along the line the private defense company might have violated someone's rights through an error on the part of one of its policemen. The state also makes such mistakes, yet the proponents of limited government do not advocate its dissolution for this reason. If policemen of a free market defense company err, they should be punished for their error, as should the policemen of a state police force. But unless that error is a matter of company policy, then the managers and the corporation itself cannot be morally prevented from doing future business by the state. In general, if a free market agency of retaliatory force obeys objective social laws, acts as a policeman of man's rights and gets its customers through their voluntary consent, it has just as much right to exist as do the agencies of retaliatory force of the nominal state.

In short, the state has no moral right to prevent competitive agencies of retaliatory force from existing. In a free society, men are at liberty to form those agencies of retaliatory force which they wish to form in order to protect their rights. The form, number and relationship between such agencies in any given geographical area can be variable. There may be one or many such agencies in any given area, and they may be functionally distinct or operationally integrated. What their form and number will be is for the free market to decide, *which means* it is for the voluntary judgment of each individual who participates in the market to decide. If the state intervenes, if it tells men that they cannot form such agencies under penalty of fine, imprisonment or death, then the state is violating the rights of men to associate freely, and has in fact assumed the status of a coercive monopoly.

In a truly free society there would then be nothing to prevent the formation of competing agencies of retaliatory force, nor would there be anything to fear from them so long as they operated on the basis of objective law. It is true that it is possible for such competing agencies of retaliatory force to violate the rights of the individual or to fight among themselves (as Miss Rand points out). However, it is not true that such *possibilities* are *probable*, or that the existence of such possibilities implies that competing agencies of retaliatory force are *inherently* immoral. *The moral determines the practical; not vice-versa. "The concept of "practicality" only has meaning in relationship to specific ends.* Since morality is "a code of values to guide man's choices and actions -- the choices and actions which determine the purpose and the course of his life,"⁶ it is morality which enables man to select his ends; and because ends determine means, the moral determines the practical. Q.E.D.

Competing agencies of retaliatory force are practical because they are moral; they are not "immoral" because they are "impractical." Moreover, it is also possible for government to violate the rights of the individual, and in fact every government

in history has done so *on an incredibly vast scale*. The gas chambers of Nazi Germany, and the rolls of Vietnamese dead of Welfare Statist America are a mute and tragic testimony to the human destruction wrought by governments. There is no such evidence that competing defense agencies would wreak similar carnage. Governments also fight among themselves, as R.A. Childs points out⁷, but when they do what occurs is not termed a battle, but a war; and the victims are numbered in the millions rather than the hundreds.

There is nothing innately necessary or moral about a limited government. What defines the morality and practicality of any organization of retaliatory force in a free society is not whether its agencies are one or many, but whether they are just and objective. A "social monopoly of retaliatory force" whose existence depends upon the initiation of force is worse than a contradiction in terms -- it is an epistemological absurdity. Since a "limited government" cannot, by definition be limited to dealing solely in retaliatory force, we necessarily conclude that limited government is (with the sole exception noted below) inherently immoral and must be rejected by any advocate of human freedom and justice in favor of competing agencies of retaliatory force.

2.2 *The Proprietary Community*

The one exception to the logically necessary fact that even "limited government" is inherently immoral is the concept of a proprietary community. A proprietary community is one in which some single individual or corporation owns a given tract of land and establishes as conditions of purchasing land from them that (1) the purchaser upon residency subscribe only to some designated, monopoly agency of retaliatory force and (2) that the purchaser not sell his land to anyone who does not agree to the same proviso. There could also be "democratic" procedures for the election of administrators and legislators of this community, with the participation of the members of the community either invited, or even required (again, as a condition of land purchase).

Since the proprietary community is formed by the voluntary consent of the individuals comprising it, without the initiation of force, it is a society without coercion. And since there is a monopoly agency of retaliatory force, it has a government. In the proprietary community we may then establish a *government without coercion*. Government financing in such a community could be conducted in a number of ways including (preferably) the free market methods described in section 3, or by the simple (if uneconomical) expedient of required "citizenship dues" paid to the government (naturally as a condition of land purchase). Since the financing of all those agencies of retaliatory force which today roughly are included in the U.S. Justice Department is described in section 3, I will not repeat myself here. However, I will make a number of suggestions concerning a method other than dues (or voluntary "taxes" -- they amount to the same thing) of financing the administrative and legislative branches of the government of a proprietary community.

If our proprietary community is truly a non-coercive society, the function of the legislative and administrative branches of its "limited government" would be limited to, respectively, the passage and administration of laws defining and dealing with the use of initiatory and retaliatory force. For example, these branches

might concern themselves with such things as (1) search and seizure, (2) arrest, (3) numbers of and forms of police forces, (4) judicial appointments, (5) declaration of war and (6) patents and copyrights.

The very simple way to pay the salaries and expenses of the administrators and legislators of such a limited government without even "voluntary taxes" is by means of *voter's fees*. Since one would expect that both the number of such administrators and their constituency would be proportional to the population of their society, there would clearly be enough money from voter's fees to support them in any society. In the United States today, for example, (a very large society) since there are hundreds of thousands of persons who vote in state elections, and millions who vote in national elections, it is easy to see that a very modest fee indeed would pay the salaries of the various elected officials and their staffs. Thus, to take a specific example, if each of the over 70 million persons who voted in the Presidential election of 1964 had paid a fee of \$1 there would have been enough money to pay the President's salary, the Vice-President's salary and the salary of 1,500 aides at \$20,000 per year each; and there would still be \$10 million left over to maintain the White House and the President's plane.

A similar minuscule fee of \$1 per candidate could be charged for voting in Senatorial, Congressional and state and local elections. It would be difficult to imagine someone who could not afford to pay \$1 every few years. If there were such persons, I suppose that in the interests of "participatory democracy" they could earn the money by sweeping up voting booths.

Although this suggestion and the implementation of the proposals listed in section 3 could occur in a proprietary community and thereby produce a non-coercive society with government and without taxation, there are a variety of reasons which make the existence of competing agencies of retaliatory force probable in a free society, as well as desirable.

The major objection to a democratic proprietary community is that *universally, voting behavior appears to be a manifestation of "wish fulfillment."* Demonstrably people vote for programs that they would never voluntarily support if they had to take the money out of their own pocketbooks. The U.S. space program is a good example. Apparently what happens is that when people vote they forget the fact that *they* will have to pay the costs of any program enacted by government, and in doing so they must forgo alternative uses of their money. Instead they seem to believe that when government undertakes a program *somehow they can have their cake and eat it too*; that is, they can have the *benefits* of government programs, without having to pay any of the costs. This, of course, is totally absurd. Nevertheless, the dichotomy between political and economic behavior is so wide that no other conclusion is possible. Since the political process encourages and permits this and many other forms of irrational human action, I suggest that the whole process be scrapped in favor of truly free market *competing agencies of retaliatory force*. Before considering in detail how such agencies could function, let us first consider the morality and "practicality" of what we will, for the moment, term an "anarchist" society.*

*The phrase "anarchist society" is not the contradiction in terms which it might at first appear to be to some persons. All anarchy means is "the absence of government", not the absence of social order (which is in fact epistemologically impossible). Anarchy also does not necessitate social chaos as we will demonstrate in the next section.

2.3 Arguments Against Anarchy

Men live by myths, and the twentieth century American is no exception. From birth to death men live believing in absurdities which even the most cursory investigation would have disproven. Most twentieth century Americans believe that God exists, that psychoanalysis works, that the United States is a free country and that government is necessary in order to insure social order. It is this latter myth which we will be primarily concerned with here.

The belief that government is necessary to insure social order is a pure superstition, based upon a psycho-epistemological process different in no important respect from the Medieval belief in goblins and witches. The Medieval peasant invested the abstractions of evil and "things that go bump in the night" with an irrational anthropomorphism and power, and similarly most twentieth century Americans (unfortunately including Ayn Rand and most otherwise Objectivists) invest the abstractions of government and political authority with a similar aura of supernatural power.

At the outset let it be made clear that government is nothing but men acting in concert. The morality and value of government, like any other association of men, will be no greater and no less than the morality and value of the men comprising it. Since government is nothing but men, its inherent authority to act is in no way greater or different than the authority to act of individuals in isolation. If it is moral for government policemen to arrest suspect criminals, it is also moral for "private policemen" to do so. If it is moral for government to try and imprison men, then it is also moral for non-governmental corporations to do so. Government has no magic powers or authority not possessed by private individuals. Let he who asserts that government may do that which the individual may not assume the onus of proof and demonstrate his contention.

The basic reason why a social order could and would arise in the absence of governments (as they are known today) is the fact that man has an objective need for social order and protection from initiatory force. This objective need would create human associations producing order in society. The morality and permanence of these associations will be determined by the morality and rationality of the men creating and working in them, as is the case for any social institution.

Perhaps the strongest attack on "anarchism" -- certainly the most vitriolic -- was made a few years ago by Ayn Rand. In her article on "The Nature of Government" she states:

A recent variant of anarchistic theory, which is befuddling some of the younger advocates of freedom, is a weird absurdity called "competing governments." Accepting the basic premise of the modern statist -- who see no difference between the functions of government and the functions of industry, between force and production, and who advocate government ownership of business -- the proponents of "competing governments" take the other side of the same coin and declare that since competition is so beneficial to business it should also be applied to government. Instead of a single, monopolistic government, they declare, there should

be a number of governments in the same geographical area, competing for the allegiance of individual citizens, with every citizen free to "shop" and to patronize whatever government he chooses.

Remember that forcible restraint of men is the only service a government has to offer. Ask yourself what a competition in forcible restraint would have to mean.

One cannot call this theory a contradiction in terms, since it is obviously devoid of any understanding of the terms "competition" and "government". Nor can one call it a floating abstraction, since it is devoid of any contact with or reference to reality and cannot be concretized at all, not even roughly or approximately. One illustration will be sufficient: suppose Mr. Smith, a customer of Government A, suspects that his next-door neighbor, Mr. Jones, a customer of Government B, has robbed him; a squad of Police A proceeds to Mr. Jones' house and is met at the door by a squad of Police B, who declare that they do not accept the validity of Mr. Smith's complaint and do not recognize the authority of Government A. What happens then? You take it from there.⁸

Once one gets past Miss Rand's typically vitriolic rhetoric (which only indicates that Miss Rand is quite hostile to what she mislabels as "competing governments") one finds that she has essentially one argument. Miss Rand asserts that what is properly designated as "competing agencies of retaliatory force" or a free market of justice would not work because the competing agencies would end up protecting criminals and shooting it out with each other. One can only term this a straw man argument.

The situation which Miss Rand "describes" is patently absurd. If competing agencies of retaliatory force protected criminal they would not be competing agencies of retaliatory force at all. Rather they would be criminal gangs, plain and simple. Further it would be sheer insanity for individuals "subscribing" to competing criminal gangs to live on the same "turf." In this respect, Miss Rand is correct. However what I and every other advocate of a society without coercion are advocating are *not* "competing governments" (a misnomer) or "competing criminal gangs" (an ethical monstrosity) but "competing agencies of retaliatory force," which Miss Rand has in fact not dealt with at all.

In the situation described above, in which neighbors subscribed to competing police departments, what is certain (if they were in fact police departments operating on the basis of objective law, rather than criminal gangs operating on the basis of mob rule -- which is what Miss Rand described) is that Police B would accept the validity of Police A, or in fact the validity of any reputable police department and cooperate with them in the arrest of Mr. Jones. Police B certainly would not protect Mr. Jones from justice if there was objective evidence that Mr. Jones had committed a crime, nor would Police A proceed to attempt to arrest Mr. Jones unless there were such evidence. In this manner, objective law would eliminate coercive "shoot-outs."

Once competing police departments began to function, standard operating procedures would be created to deal with such cases. At least two possible procedures come to mind: Either by stipulation the police department to which a man subscribed would be the only one which could incarcerate him; or, by stipulation, the police department where the complaint was filed would incarcerate him. In the extreme there would be

little motivation for policemen to put their lives on the line for a suspected thief, and if competing police departments operated as Miss Rand falsely pictures, then they would quickly go out of business due to the attrition rate of policemen killed in the "line of duty."

This is only one of the flaws of Miss Rand's argument. Other problems include her failure to explain exactly how government can morally outlaw competing agencies of retaliatory force, or what it is that prevents the state police from shooting it out with the county police in similar situations. Clearly both Miss Rand's premises and logic are in error in this case. But we do not have to rely solely on speculation to demonstrate the practicality of "anarchism." There does in fact already exist a country with operating competing agencies of retaliatory force -- the New Hebrides.

In an article appearing in the Spring 1969 issue of *Innovator* and entitled "The New Hebrides as a Libertarian Retreat Area," William Danks (SRI Local Representative for Hawaii) reports:

The islands of the New Hebrides are administered by the world's freest and most anti-statist form of government. Under the terms of a 1914 protocol a joint French and British Condominium was established, giving each government equal powers of administration, but denying sovereign territorial right to both. There are three court systems -- British, French, and Joint -- as well as both British and French police systems. Interestingly, there are no reports of murder or armed robbery with violence on record under either system. (p. 7-44)

Having briefly refuted the main myths involved in arguments against "anarchism," let us now go on to something more constructive and do what Miss Rand claimed was impossible: concretizing the operation of what are properly termed *carfs* (short for competing agencies of retaliatory force). But first we should consider the proper name for a free society.

2.4 Naming A Free Society

To name the social system of a free society is not as nominal a task as at first it may appear to be. It is not only the existence of *complete* social freedom which is absent from today's world, but also the idea of such freedom. There is, in truth, probably no word in the English language which properly denotes and connotes the concept of the social system of a free society.

A number of persons who have recognized the fallacies in the advocacy of not just *this or that government*, but who have also recognized the inherent "contradiction in government" itself (such as Murray Rothbard and Karl Hess) have decided that since *archy* means rule, or the presence of government -- which they are against -- they will designate their sociological position as *anarchy* -- no rule, or the total absence of

government. This decision is unfortunate, to say the least, since it embodies several epistemological fallacies. Firstly, the term anarchy is a negative term; to say that one is "for" anarchy is only to say that one is *against* government. It is not to say *what are* the positive social forms which one advocates. This may be perfectly fine if one, in fact, advocates no positive social forms. However, if one advocates *freedom* and its economic expression laissez-faire capitalism, the designation "anarchy" or "anarchism," of itself, will hardly suffice. Secondly, anarchy merely means "no rule" not "no coercion." It is perfectly possible to have an anarchist "society" with coercion initiated by random individuals and robber gangs. So long as these persons do not claim legal sanction or create formal and enduring institutions, one would have a very coercive "anarchist society." Further, it is possible for there to be an anarchist society in which no force was initiated, although due to the personal irrationality and mysticism of its occupants, no rational person would want to live in it. For example, imagine a society occupied exclusively by non-violent schizophrenics, or equivalently, by Zen Buddhists.*

Less important, but also significant, is the fact that the term "anarchy," in present usage, has come to mean not only "no rule" but also has come to imply 'social chaos and senseless violence.' This *is* a corruption of the original meaning of the term, but nevertheless it makes the word "anarchy" an impediment rather than an implement to communicating the concept of a free society. When one wishes to defend in principle and implement in reality a free society, it is irrational to deliberately choose a term which one knows will alienate, at the outset, persons with whom one eventually intends to deal.

Another term has been suggested by Robert LeFevre, advocate of the free market and founder of Ramparts College in California. Mr. LeFevre rejects the term "anarchy" primarily because of its past close association with collectivism and, recognizing the fallacy of "limited government," proposes in its stead the word "autarchy," meaning "self-rule." Again this term suffers several epistemological faults. It fails to state *how* one should rule oneself, and in fact says nothing about the nature of social order.

Next we have the term "voluntarism," also advocated by many proponents of the term "anarchism." This expression is superior to the term "anarchy" in that it does exclude coercion from its subsumed concept of social order. It is therefore acceptable for this communicative purpose. However, several necessary differentia in the valid concept of a free society are still lacking. Conceivably one could have a "voluntary" collectivist society (at least for a while), in which individuals voluntarily became slaves, as well as a voluntary individualist society, in which the individual is his own master. Consequently, this term is not fully satisfactory.

A phrase in increasingly popular use which I advocate as the best presently available specification of the socio-economic position of persons advocating a society of consistent rational freedom is "anarcho-capitalism." Here the prefix "anarcho" indicates the lack of coercive government, and the word "capitalism" indicates the positive presence of free trade based upon respect for man's rights. This term is not ideal: the prefix "anarcho" has negative semantic value, and the term "capitalism" is intimately associated with the present American statist mixed economy. However, it would seem to be the best term which we now have, and consequently we will use it (and in more limited contexts "voluntarism") in the remainder of this essay.

*See also the cover article in the July 18, 1969 issue of *Life*; "The Youth Communes."

3.0 AGENCIES OF RETALIATORY FORCE

The agencies of retaliatory force of a free society are those whose primary concern is the deterrence and prosecution of those who initiate force. These are the same agencies listed as the implementary agencies of a free society, with the exception of a legislature and administration, whose functions are taken over by the managers and employees of the various free market justice companies; particularly by judges and by a new class of professionals -- ethical scientists. We will consider these agencies in five classifications for analytic purposes: (1) *justice agencies*, which include patent and copyright registration agencies, contract registration agencies and anti-fraud companies; (2) *police forces*; (3) *courts*; (4) *penal institutions*; and (5) *armed forces*. The division of these agencies of retaliatory force into these five classifications is not meant to imply that they are necessarily functionally or administratively separate from each other, or from other free market institutions (such as insurance companies). Indeed, since one class picks up where the other leaves off, so to speak, it is highly probable that in a free market, several of the various classifications of agencies of retaliatory force would be combined within a single corporation. However, we will discuss them as basically distinct activities, since these classifications provide a convenient epistemological partition.

The major question which we will deal with in this section is how these agencies could be financed and operated in the free market. Although the author is clearly of the view that government is objectively undesirable and generally inherently immoral, it should nevertheless be pointed out that these financing proposals could also be implemented in the context of a Randian limited government, which also rejects taxation.

The concept of organizing and financing agencies of retaliatory force without any form of taxation or charitable contribution, presented here represents a fundamentally new concept in social organization. All large societies which have ever existed have been coercive at least in regard to their operation and financing of courts, police forces and armed forces. All large societies which have ever existed have relied on taxation, conscription, and in a word, force, to maintain the apparatus of the state police forces. If a free society is ever to be achieved it is this coercive state apparatus which must be replaced by truly voluntary institutions. The theoretical base for such institutions has been laid by Ludwig von Mises and Ayn Rand. The concrete, practical base will be established here.

The general answer to how such agencies could be financed in the free market is in fact very simple. Protection from initiatory force is an objective and basic need of man; a need just as objective and basic as his need for food or air. A man can no more exist in an environment where he is apt to be the victim of capriciously initiated force, without recourse, than he can exist naked on the moon. Because man has an objective need to be protected from initiatory force, he is naturally willing to provide for such protection. There are two ways in which he can do this. Either the individual himself can proceed to undertake his own defense against and arrest of criminals, or he can delegate this activity to an outside agency. The latter alternative is by far the more preferable. As in every other area of economic activity, specialization and division of labor in agencies of retaliatory force are of tremendous benefit to the individual. The untrained man who personally attempted to catch a thief who had robbed his house would almost certainly find that his economic and psychological loss (e.g., forfeited wages and mental anguish) would be greater than

his probable "gain" in the form of recaptured goods, in the unlikely event that he was successful. For the rational man who has been victimized by a criminal, the much more sensible course is to delegate the protection of his rights to a specialist. Thus the emergence of agencies of retaliatory force in a free market, in the absence of government, is epistemologically certain. The basic principle is: *Need generates demand, making funds available.*

There is a second important question concerning the operation of agencies of retaliatory force: What is to be the source of their monetary support? Is it to be taxation, charitable contributions or subsidies from say the steel industry? Although any of these means might, after a fashion "work," they are all objectively undesirable. As we have already pointed out, taxation is theft, clear and simple, and no end can morally justify it. Charity and subsidies from unrelated industries are undesirable because they break the economically rational and controlling link between *services and support*. No one would suggest that in a free market steel companies should be subsidized by farmers or visa versa. Properly, in a free market each company would be expected to pay its own way. If a company provides goods and services which people really need and desire, they should have no trouble doing so. When support follows from services, an agency gets exactly what it morally deserves, meaning *what it has earned*. But when this economic link is broken, be it by taxation or by charity, no one can then tell what the services of a company are really worth; and when income is guaranteed, no one really cares. When an activity is removed from the market, waste and bureaucracy begin. Police forces should then not be financed by neighborhood donations, state lotteries or charity bazaars. Penal systems should not be subsidized by courts, or by dairy farmers or by humanitarian societies. Each and every agency of a free society ought to pay its own way: **SUPPORT SHOULD FOLLOW FROM SERVICES RENDERED.***

The third basic question which arises concerning agencies of retaliatory force "unconstrained" by a central legislature or administration is "What is to guarantee their objectivity and morality?" First of all it should be pointed out that a person is simply deceiving himself if he thinks that central legislatures and administrations per se guarantee anything. As has already been stated, governments are responsible for the greatest atrocities in human history. The only thing which will guarantee the morality and objectivity of anything is the rationality of man. If men operate on the basis of objective morality, they will cooperate and solve their problems rationally and peaceably. If men act on the basis of subjectivism and irrationality, there is in fact no way at all to guarantee any of their actions. In any event, at best a person can only guarantee his own actions -- no man can guarantee the actions of another. And it is only on the basis of a rational philosophy that one can even hope that men will act rationally and peaceably. A collective, specifically a legislature or administration, is no better than the philosophy of the men who compose it. The free market alternative to such universally coercive institutions is a community of law and legal scientists.

A *community of law* is a given geographical area whose inhabitants act on the basis of the same morality and principles of social action. The essence of such a community is communication. When rational men are aware of ideas of others which are demonstrably true and significant, they will act accordingly. Hence in a free society, different judges belonging to separate court systems would read each other's decisions and journals and adopt those newly discovered principles which were correct and superior to past procedures. Legal societies would exist for this particular purpose. Since the laws of a free society would be objective, they would be *capable of scientific proof*.

*This is, of course, not to say that there is anything wrong with loans to start new enterprises or similar forms of assistance. It is only to say that over the long run, a business should pay its own way.

Many persons who reject the possibility of a purely voluntary community of law do so simply because they do not recognize what objective morality really means. By objective moral principles it is possible to precisely answer sociological questions which are now arbitrarily decided by the majority vote of legislatures and by the whimsical decrees of bureaucrats. Anarcho-capitalist agencies of retaliatory force would adopt statute laws by the same process that modern scientists adopted the theory of relativity -- by a process of objective validation and proof. No one had to force the *physical* scientists of today to accept this new principle of *physics*, and similarly no one would have to force the *legal* scientists of tomorrow to accept a new principle of *justice*. Both, as men of reason, accept the evidence of their senses and the judgment of their mind. Just as force is an anathema to progress in science, so force is an anathema to progress in justice. Progress and truth depend upon the uncoerced judgment of men -- they do not depend upon the decrees of bureaucrats and legislatures.

Of course, in a free market of justice, there might be those who dissented from the judgment of others. But just as innovation and invention in the physical sciences does not depend upon or require total agreement among engineers, so justice and social order in a free society do not depend upon total agreement between legal scientists. For a free society to exist, for free market justice agencies to successfully coexist, it is not necessary that men agree completely about everything, but only that they agree about fundamentals -- meaning basic philosophy. In time, truth will prevail if men are free.

Let us now consider in detail the possible form and financing of the agencies of retaliatory force of an anarcho-capitalist society.

3.1 Justice Agencies

What we have designated as *justice agencies* include bureaus of patents and copyrights, contract enforcement and fraud prevention. *Bureaus of patents and copyrights* are institutions for the registration and recording of new scientific inventions and intellectual creations. These agencies could be easily financed through registration fees. Thus every time someone wished to register a claim, he would pay a fee first for a patent or copy search, and then another payment for the registration of his claim and the maintenance of his file; this would contrast with the current procedure of tax subsidization of these functions, and only nominal payments made by persons registering claims. The lower the fees of a free market bureau, the better its services; the more people would patronize it and the more profits it would make. Profitable bureaus of patents and copyrights also imply competition, and competition in turn leads to innovation. Thus one would expect a great deal of technological progress associated with free market bureaus. Specifically, one would expect that free market bureaus would provide modern electronic information storage and retrieval devices, rather than present antiquated card files.

Naturally, in an anarcho-capitalist society, there would be several such bureaus. Wouldn't this make information searches difficult and confusing? Not at all, if one remembers the technological progress which accompanies capitalism. Despite the fact that patent and copyright searches would have to be made with each existing agency in order to be certain that a given device or literary creation had not been registered previously,* the total time of making several searches with firms using electronic

*Unless a person could prove that he had discovered a given physical or literary device independently. See my article "Intellectual Property Rights and Social Action" in the April 1969 issue of The Rational Individualist.

information storage devices would be far less than the time involved in making a single search through endless rows of file cabinets. In this manner, a competitive free market system of patent and copyright registration would be far superior to a coercive system.

It is also quite probable that electronic links would be established between the different agencies for the same reason that the telephone systems of a free society would be interconnected*: it is to the rational self-interest of the bureaus to do so. One bureau of patents and copyrights would then accept "information calls" from other bureaus in order to gain access to *their* files. Next, let us consider contract protection agencies.

The concept of a contract protection agency was (to my knowledge) originally suggested by Ayn Rand. As a free market agency, a *contract protection agency* would be a company whose function was to insure the millions of credit transactions which take place daily. The great majority of large purchases made by Americans today -- homes, automobiles, washing machines, color TV sets and so on -- are *credit transactions* in which a downpayment is made followed by monthly installments for anywhere from a few months to forty years. A contract protection agency would provide services to both the seller and the buyer in these transactions. For the seller, the contract protection agency would act as a combination insurance company and collection department, paying the seller the value of the contract outstanding if the buyer defaulted on his payments. The contract enforcement agency would then collect from the buyer, through the courts if necessary. For the buyer, the contract protection agency would insure that a seller lived up to his part of the credit contract, making repairs on a new car, say, for its warranty period. For these services, contract protection agencies would charge appropriate fees.

The third justice agency to be considered is the "anti-fraud" company. This would be a firm which investigated charges of fraud against individuals or corporations, attempting to get the persons involved to cease their fraudulent activities and to pay damages for the injuries which they had caused. An anti-fraud company is an extension and free market counterpart of the government's new "Department of Consumer Protection." Initially, anarcho-capitalist anti-fraud companies might attempt to procure cooperation from a person or firm which had committed fraud by simply pointing out to them that they had done so, and requesting that they pay the damages which they had caused. Failing this, the anti-fraud company might then threaten advertising the immorality of the concerned individuals or company (thereby causing them economic and social losses) or threaten to take legal action against them. Finally, as a last recourse, formal charges would be made, and the case (if accepted) would go to court. The anti-fraud company would finance its activities through fees collected for their services, and perhaps through the receipt of a portion of the damages awarded in successful cases which they brought to court.

Let us now move on to the more controversial issues of free market police forces, court systems, penal institutions and armed forces.

*See my article "'Public Services' Under Laissez Faire (IV) -- the Telephone System," which appeared in the May 1969 issue of The Rational Individualist.

3.2 Police Forces

Today there is the commonly accepted, but completely fallacious idea that somehow police protection, access to courts and even legal counsel is a "right" of citizenship in the United States. However, there is no more justification for such services being provided "free" (i.e., through taxation) than there is for color TV sets to be provided for each and every person in America at "public expense." Either a person has a right to his own life, liberty and property, or he does not. If he does, nothing can justify forcing him to subsidize another person for *any* purpose, including for the purpose of police protection. Either a person has the responsibility of maintaining his own life, or he does not. If he does, then he must earn the necessary funds himself to pay for the necessities and luxuries of his own existence.

In a free society, police protection, like every other service, would be available on a contractual basis, only to those who were willing and able to pay for it. There are four main ways in which an anarcho-capitalist police force could be financed: (1) through service contracts (similar to insurance); (2) through specific investigatory fees; (3) through special contracts; and (4) through fines. We will now discuss each in turn.

Service contracts would be the major source of revenue for a laissez-faire police department. A *service contract* would simply consist of a contractual agreement between a police department and an individual, whereby the police department would agree to provide the individual with certain services (e.g., investigation, physical defense of his property, etc.), should he need them, in exchange for a yearly premium. These policies would work essentially like insurance. Virtually everyone in a given society would subscribe and pay the yearly premium in order to be assured that, *should the need arise*, police protection would be available. Nonetheless, during any given year, only a small fraction of the total number of policy holders would actually need major police services. Therefore, the cost of police protection would be effectively spread over a large number of subscribers.

Let us take a concrete example. Suppose the cost of an average police investigation in Brandenburg was \$5,000. If an individual needing police protection had to pay this cost all at once, he probably could not afford it. However, instead of paying such a large "specific investigatory fee," the individual will almost certainly be a subscriber to police protection, as will millions of others. Say there are 1000 subscribers in Brandenburg paying \$100 a year each, making the total income for this small, local police department \$100,000 per year. During the course of any given year, it is unlikely that more than four or five persons out of this 1000 will need police protection. If their investigations cost \$5,000 each, this makes a total investigatory cost of \$25,000 per year, leaving \$75,000 for other police functions. Since the individual only pays \$100 a year, he has in fact received \$5,000 worth of benefits (so to speak) for his comparatively nominal fee. This is exactly how insurance works: on the principle that only a fraction of policy holders will ever collect at a given time, while many more are paying premiums.

The second form of police income is even simpler to explain. In the rare case that an individual needed police protection but had not entered into and did not now want to enter into a long term contract, or in the case of an individual requesting special services (such as perhaps hunting for a missing person), there would be

specific investigatory fees. Again, these fees would be rather high, compared to the normal contractual agreement, but in some cases persons would find them worth paying.

The third form of police income would be *special contracts.* Thus, for example, a company owning a major turnpike* would probably contract with a private police force to patrol their highway, since it is to their rational self-interest to prevent reckless driving and other acts which would discourage use of their road and thus decrease their profits. Or similarly, a private factory might hire police to guard their facilities.

Finally, police forces in a free society could be financed through receipts from *finer.* As a contractual condition of procuring police protection, individuals could empower police departments to collect fines for misdemeanors which one committed. This would also save costly court expenses for both the justice company and for the private individual.

Let us now consider how anarcho-capitalist police forces might operate.⁹ There are two basic operational types of crimes: those reported (or discovered by police) after the fact, and those reported (or discovered by police) during the fact. In the former case, police procedure would be quite clear. A family, upon returning from an outing, which discovered that their house had been robbed, would call the police and report the fact, as they would today. Then (unlike today) the police would *first* check to see if the family was signed up with them and entitled to this form of assistance by their contract. This could be done virtually instantaneously through electronic information retrieval systems. If the family was signed up and entitled to this type of assistance, a policeman would be dispatched and would proceed with his investigation. If the family was not signed up, or not entitled to this type of protection by their contract, a police force salesman would probably be sent out along with an investigator. The salesman would explain to the family, which has now become a high risk, how they could extend their contract to cover this situation if they were already signed up, or he could explain to them the forms of contract now available to them if they were not signed up, or he could simply tell them the cost of the specific investigation which they were requesting if that is all they wished to pay for. Naturally, if they had not already contracted for the type of police service which they were now requesting, they would have to pay more for it at this time than they would have had to pay if they had been covered by a service contract; just as a person must pay more for auto insurance after he has had an accident than before. However, the important point is that in after the fact cases it is clearly possible to verify whether or not a family had signed up with the police, and if not, to assess the appropriate fees.

Crimes discovered *during the fact* by police present a somewhat different situation. If a policeman comes upon a person being assaulted by a mugger, he does not, of course, have time to verify whether or not the person attacked is signed up for police protection, even if this would only take a few minutes. If the person were signed up, he would probably be somewhat annoyed that the policeman stood around checking his identity while he was sustaining mortal injuries. If he were not signed up, the police force might be losing a good prospect. For these reasons, among others, a policeman encountering such a situation would as a matter of course immediately come to the apparent victim's aid. Of course, the person being attacked does not have any

*Roads in a free society would, like everything else, be privately owned.

For a description of the financing, construction and maintenance of roads without taxation or eminent domain, see my article "'Public Services' Under Laissez Faire, parts VI and VII -- the Roads" which appear in the July and August 1969 issues of The Rational Individualist.

"right" to demand that he be protected, any more than he has a right to demand that he be fed when he is hungry. Both police protection and food are commodities which one has to purchase in a free market. The fact that a person may be an innocent victim does not alter his obligation of providing for his own life.

There are, however, a number of reasons why a policeman would automatically come to a person's aid in such a situation. First, as mentioned above, the victim might be a present client. Second, the victim would be a good *potential* client. Third, it is to the policeman's self-interest to see that criminals are countered, since this increases the profits of the police department, or more directly might increase his own salary. (Conceivably raises and promotions would be based on how well a policeman performed his function of protecting men from criminals.)

Now what happens if the victim is not in fact a client of this or of any other police department in the *during the fact* case. Again, there are two possibilities. First, the person might have called "Help, police!" If he did so, he has then in fact made a verbal contract for police assistance, just as you make a verbal contract to pay the check when you walk into a restaurant and order a meal. In this case, the policeman would send the victim a bill and expect him to pay. In the second case, the person *does not* call "Help, police!," but is simply lying there, bleeding while the mugger is beating on him. In this case no verbal contract exists. However, for the reasons mentioned above, the policeman *would* come to the person's aid. Being rational, the police force would also send this person a bill which he would be *requested* but not *obligated* to pay. Since the police have just saved his life, there is a good chance that he would pay. Or, if the police force were smart, they would send out a salesman and attempt to sign him up. Since he had just benefited from their services, it would seem quite likely that he would at least take the "special budget protection package." If he did not, the small expense of saving his life could be easily financed out of general police receipts, and surely no one in Brandenburg would complain about the policeman spending a few minutes of his time to save an innocent victim's life.

There is, finally, at least one other way in which police protection might be financed. Since the investigation of crimes, the protection of property and other such activities are actions necessitated by criminals, it would seem logical to make *them* pay at least part of the cost of such operations. *Thus, one of the debts of the criminal to "society" in a free community might be to pay back the cost of the investigation which he necessitated.*¹⁰ In this manner, police protection for the poor might be financed.* It will be interesting to see, if we ever create a free society, just which method of financing -- service fees or criminal payment -- would work out best.

Before going on to the courts and penal system of anarcho-capitalism, I will consider one more issue connected with police departments: arrests. Some libertarians assert that arrest is inherently immoral because it is in fact the initiation of force against persons whose guilt has not been proven "beyond a shadow of a doubt." There is, however, a very simple epistemological justification for arrest in a free society. It is as follows.

Necessarily man acts on the basis of his knowledge. At best man can be *epistem-*

* A second obvious method of financing police protection for the deserving poor would be through charity -- either from private agencies, or from the police department itself.

ologically certain, i.e., certain in a given context of knowledge. Man can seldom, if ever, be *metaphysically certain*; that is certain that there exists no alternative in the universe to his judgment. To be metaphysically certain, in most cases, requires omniscience, which man clearly does not possess. Man can generally only be certain that he has examined all relevant facts available to him, and integrated them without contradiction; what *is* relevant is again dictated by his state of knowledge.

Knowledge of the truth of propositions is not an either/or condition, a dichotomous function. Knowledge is a continuous function, varying from, at one end, complete ignorance to, at the other end, complete (epistemological) certainty.

In assessing the guilt or innocence of a man accused of committing a crime there exists, accordingly, an *epistemological evidential continuum*, varying from *possibility of such guilt*, to *certainty of such guilt*. At different levels on the evidential continuum, different actions are appropriate. Thus, when one suspects that a man might *possibly* be guilty of a crime, it is proper to question him. When one has evidence that a man is *probably* guilty of a crime, it is proper to arrest him. And when one is convinced that a man is *certainly* guilty of a crime, it is proper to punish him. In general, the appropriate action with respect to suspected criminals depends upon the amount of evidence which one has. Arrest is then justified when guilt is probable.¹¹

Now this does not of course mean that the morality of one's actions finally depends upon the contextual validity of one's judgment. Whether one was right or wrong in questioning, arresting or imprisoning a man depends upon whether he had in fact committed a crime. If in a free society the police arrest or the courts convict a person who later turns out to be innocent, they would be required to make restitution for their errors equal to the damages and inconvenience which they that caused him (unless the person had contractually freed them of this obligation).

There are two ways in which an anarcho-capitalist justice system could deal with police and judicial error. Either the police force of a free society could have its clients contractually agree to be subject to arrest when *the police* (or a magistrate) judged the evidence to be sufficient (thus freeing them from the obligation of making restitution if they arrested a person who later turned out to be innocent); or they would agree to make restitution if they made a mistake. Of the two possibilities, I prefer the latter. If the police or courts make a mistake, they should pay for it. In a free market of justice, police making many errors would thus quickly be eliminated by bankruptcy. Let us now consider the court system of a free society.

3.3 The Court System

At least three of the four major methods of financing which could be used by a free market police force could also be used by a free market court system: (1) service contracts, (2) fees for individual cases and (3) revenue from damage awards.

Just as police protection in a free market would generally be provided through *police service contracts*, so access to the courts would generally be through *judicial service contracts*, which made litigation available to policy holders. Failure to take out such a policy would mean that litigation would only be available at greater increased costs later. This form of financing and contractual relationship is identical to police service contracts, so we will not discuss it further. Similarly, revenue from damage awards in the court system would parallel fines as a form of police income. In court cases, a proportion of damages awarded in civil suits could be retained by the court to pay for some or all of its costs.

In the case of court and police services not covered by service contracts, the question arises "What specific amounts would be charged for a given case or investigation?" A case (or investigation) concerning the same issue could take a highly variable amount of time to deal with, depending upon specific circumstances. It might often be impossible to forecast in advance all of the costs involved in any specific judicial action. How are court fees, then, to be assessed in advance? The answer is simply that they would not be. One would only be billed later, as one is for treatment by a hospital for a major illness -- unless, of course, the expenses had been previously covered by one's judicial service contract. If the additional fees were very high, provision might be made for time payments -- sort of a "Go to court now, pay later" plan.

Let us next examine several specific issues relating to the operation of free market courts. First there is the question of how evidence, witnesses and jurors to be obtained in an anarcho-capitalist court system. Necessarily the concept of subpoena must be generally rejected. An individual has no inherent duty to appear in court or to supply evidence, simply because he or it are needed. How then are such obviously necessary items to be procured?

The simple answer is to make the provision of evidence, testimony or jury duty a condition of judicial service contracts.¹² Those persons who did not agree to this condition would be denied access to the courts as plaintiffs. Since most persons would sign service contracts (since it is to their rational self-interest to do so), the great majority of members of a free society would therefore be contractually required to provide the requested facts and services to the courts.

An alternative method of obtaining evidence, witnesses and jurors would simply be to pay for them. Even today, after all, it is not uncommon for evidence to be bought. This would take care of procuring facts and witnesses in most cases where they were not contractually available. It would also probably be much more desirable to have professional jurors, the legal scientists whom we spoke of previously, than randomly selecting untrained citizens.

At this point, one might ask if mercenary jurors and witnesses would not be likely to accept bribes from the prosecution or defense, thus corrupting and frustrating justice. The answer is no, since they would probably be hired and paid by the court itself, rather than by attorneys. Indeed since they would probably work in the same courts regularly, they would be particularly immune from the "temptation" to accept bribes, because they would lose their jobs and jeopardize their entire career if they did so. As legal scientists, one would also expect professional jurors to have quite a bit of professional integrity. In the case of paid witnesses, fraud could be deterred by establishing penalties (including imprisonment) for violation of "witness contracts" with the court.

Another question arises concerning the court system: If a person is being tried for a crime, to which court system does he go to -- his own or that of the person bringing charges against him (assuming that they were different)? I would suggest that it be his own court system. I see nothing harmful in allowing a man the right to decide, to some extent, the statutes to which he is subject.

Wouldn't the existence of somewhat different statutes create legal chaos? Not at all. Today there are different statutes in different states, so that one must, for example, know what state he is in, in order to know the traffic regulations to which he is subject. Similarly, in a system of competing court systems, one would have to know what justice company a person was subscribing to before bringing a borderline suite against him.

Remember: it is only in details that the justice companies of a free society will differ. They will operate by the same general principles, or a free society will in fact not exist. The fact that judges and professional jurors read the same professional journals would guarantee that if they acted on the same principles they would follow the same statutes (generally).

However, in regard to many forms of *personal contracts*, a free society would be radically different from today's societies. In a free society all that would be required for a contract to be legally valid would be for the parties to it to understand its conditions and agree to them voluntarily. This introduces the possibility of great diversity in personal contracts. The marriage contract is a good example. Today, the state proscribes the permissible forms and responsibilities of marriage for both parties; and those permissible forms and responsibilities are largely uniform. In an anarcho-capitalist society, bigamy, group marriage, two-year renewable marriage contracts, marriage contracts in which the wife agreed to be responsible for the children in event of divorce and innumerable other types of legally formalized inter-personal relationships would be judicially protected.

3.4 The Penal System

The penal system goes hand in hand with the court system. Let us now consider the nature of criminal justice in a free society. Again, a radical departure from present practices and customs is necessary. Today's penal system is based on an objectively immoral and archaic concept of justice: punishment. Webster's first definition of *punishment* is "to cause (a person) to undergo pain, loss, or suffering for a crime or wrongdoing." This concept of "justice" is immoral because its primary focus is upon *harming the criminal*, rather than *providing retribution for the victim*. It is archaic because it is nothing but a restatement of the *Old Testament* concept of "an eye for an eye, a tooth for a tooth," which overlooks the fact that putting out the eye of the criminal does not restore the eye of his victim. The proper focus of justice is upon the victim.

In this context, there are three proper functions of a penal system: retribution, removal and rehabilitation. Let us begin by considering the most important, a concept which is all but totally absent from today's "justice" system: retribution.

The basic principle of objective justice is that when one commits a crime, one incurs a debt to the victim (or to his heirs) equal to the amount of damages which one has caused. In a word, the basic concept of objective justice is retribution. The damages involved in a crime are manifold, including at least: (1) *direct losses* from the crime, such as the loss of money, property, etc.; (2) *indirect losses*, such as the time value of one's money (i.e., interest) and opportunity loss; (3) *physical and mental inconvenience* caused by the crime (e.g., time lost in talking to the police and in going to court); and (4) *personal expenses incurred by the crime*, e.g., legal fees. All of these are costs which the criminal should be required to pay since he necessitated them.

The first consequence of the implementation of the principle of retribution is that, unlike today, crime in a free society would become quite unprofitable. Today it is literally possible a bum to steal \$50,000, hid the money, turn himself in to the police and receive a sentence of two years in jail. At the end of two years, he has officially "paid his debt to society" and is released. He can then dig up the \$50,000 and, if he is careful, spend it. Our criminal bum has thus earned himself \$25,000 a year, making theft quite profitable for him. Under a system of objective criminal law this would be impossible. In a rational society, if a man stole \$50,000 he would by that act be liable for a debt of \$50,000 *plus all other costs generated by his crime*. If he were caught, he would have to work until he paid back that debt. So if our bum still had possession of the \$50,000 when he has caught he would hardly be inclined to keep it while working in prison for 50 years at \$1,000 a year. There would simply be nothing for him to gain by doing so, and in fact he would have much to lose.

A thief in a sane society would immediately return all of his stolen loot which he still had in his possession, thus immediately providing at least partial restitution for his victim. The difference outstanding between the amount which he had stolen (plus the other costs engendered by his crime) and the amount that he could pay back immediately would probably be paid by an insurance company; which the thief would in turn pay back. Thus the victim would not have to wait any time at all to have his property returned. The use of the intermediary of an insurance company to pay back the victim would also be to the rational self-interest of the criminal since it would greatly lower the amount of extra compensation which he would have to pay for the time value of the stolen money and for opportunity loss. Since under a system of objective criminal justice a thief would have to pay back *more* than he had stolen, it is clear that thievery in a free society would be quite unprofitable. We will later establish that this is the case for other crimes as well.

The principle of retribution explained here provides a method of making an exact calculation of what should be required of a criminal. If a man steals \$50,000 he owes that amount (plus other damages), and not a dollar more. Compare this exact concept of justice with today's capricious system where the degree of "punishment" for the same crime can vary drastically from state to state, and from time to time, but is uniformly arbitrary. Can there be any doubt as to which system is the more objective and rational. I think not.

One may also ask what debt the murderer incurs. First, there is a debt to the victim's heirs. Thus if the murder victim had been supporting a wife and two children and was intending to do so for another 20 years, the criminal would be required to continue paying their support. The richer a person, the greater his productive ability, the greater the debt a criminal would incur in killing him. However, in some respects the debt created by a murder is irretrievable. There is no way of paying back a victim (or his heirs) for lost pleasures and lost dreams. The mur-

dered than has, in this respect, an *infinite debt* to his victim. The best way of paying this debt might be for provision to be made in statute law for individuals to specify what they want done with their killer if they are murdered. This would constitute a recognition of the fact that a man has an inalienable right to act, and that he can require those who interfere with his ability to act to carry out his will which he can no longer carry out in person. Hence a murdered poet might prescribe that his assassin work the rest of his life to earn money for struggling poets. There is also the possibility of a murder victim prescribing insidious punishments for his killer -- such as being "boiled in oil," sold into slavery, being used for "humanburgers," or being used for medical experimentation. I need not comment on the deterrent effect of allowing men to prescribe such punishments for their murderers.

The concept of retributory justice coupled with modern science also permits a fairly straight-forward answer to the question of what debt a person incurs when he injurs another person, say by shottng him through the lung. The simple answer is to require him to be a donor for an organ transplant. In this case one's assailant would be required to contribute one of his lungs to a central organ bank, and one in turn could draw a lung out of the bank. (The intermediary of a central organ bank is introduced to insure that one "gets fitted" properly.) Thus rather than putting out one's assailant's eye if he puts yours out, you simply take his as a replacement.

Retribution is, however, only the first of the three proper functions of a penal system. The other two are removal and rehabilitation. *Removal* is the limitation and control of the actions of an individual to insure that he pays back the damages that he has caused (or that he act according to the will of his victim). The degree of removal, like the degree of retribution, is not a constant, but a variable whose value depends upon the specific nature of the crime and of the criminal. Thus in the case of a "three time loser," removal from society should be complete to insure that the malefactor pays back his debt. Conversely, in the case of a person who had just gotten into a fight which resulted in only minor injuries to his victim, the degree of removal might be zero. At one extreme there would, then, exist penitentiaries such as we have today, completely separated from the rest of society, and at the other extreme there might simply be parole boards which the criminal would check with infrequently. Between these two extremes there are many other possible forms of removal. Let us now consider them in more detail, and in doing so we will see how penal institutions in general might be financed.

Where removal is complete, prisons should be established as self-supporting communities -- farms, in the event that little commerce with the outside world is desirable. Today such totally removed institutions are irrationally operated on the basis of equalitarian socialism. All criminals are given the same trivial wages, regardless of their crime or their productive ability, and are provided with free room and board. The work which criminals do is often a game, of little productive value; and there is no possibility for advancement. This state of affairs is largely responsible for the failure of our prisons to rehabilitate criminals. It is imperative, therefore, that capitalism be imported into the prisons.

Prisoners should be paid market wages for their work, and they should be able to advance in their jobs according to their competency. Thus the more productive a prisoner was, the faster he could pay off his debt. The prisoner would in turn use his wages, after a portion was deducted pay off his debt, to buy food, clothing, shelter and entertainment. Just as in the outside world, those who did not work would not eat. Conversely, those who were highly productive would be able to buy better goods than those who were not very productive.

For those prisoners who had little or not skills, and for those who wished to increase their skills (and thereby increase their productivity and *decrease* their time in prison) there could be job training programs and academic courses. The cost of these educational services prisoners could also pay for out of their future wages.

Where removal need not be complete, even more possibilities exist. "Prisons" could be factories or sections of factories in cities. Prisoners could be daily bused from special dormitories to the factories during the day, and back again at night.

Under such a system of profit-making prisons, rehabilitation would be automatic. With the exception of "crimes of passion," most persons commit crimes because they believe that theft, murder and other criminal acts are the easiest way of achieving their ends. Among other things, they lack confidence in their ability to earn the values which they desire. A penal system operated as described above would create an environment in which a prisoner could not support his life by crime and would have to work to earn his living. In this respect only would a prison be essentially different from the outside society. Moreover, the more a prisoner worked, the sooner he would be free. Such an environment is ideally suited to teaching men the value of work and to create or restore their confidence in their ability to support their own lives.

3.5 *The Armed Forces*

Undoubtedly one of the most difficult questions for advocates of freedom to answer has been "How could the armed forces be financed without taxation?" At the present time, defense and defense-related expenditures in the United States account for nearly one-half of the Federal budget. Since it is wishful thinking to imagine that Soviet H-bombs and Chinese mass armies would cease to be threat if *laissez-faire* capitalism were established in the United States in the foreseeable future, very large expenditure for defense will probably still be necessary in a free society. Further, unlike the police forces and courts, which provide services primarily for *individuals*, armed forces provide services primarily for *large groups*, such as an entire society. How then can one rationally assess and collect the billions of dollars necessary for such services which apparently effect an entire economy?

It should first be noted that the armed forces of a voluntary society, like all of such a society's institutions of retaliatory force, would differ greatly from the present coercive counterparts. The function of the armed forces of a free society would be defensive: to protect that society from those seeking to enslave or destroy it. The armed forces of a free society would not protect non-communist dictatorships from communist dictatorships, nor attempt to prevent valid revolutions against totalitarianism. An anarcho-capitalist armed forces would in fact be the compatriot of all peoples who sought to destroy the greatest manifest threat to their lives: *the coercive state*. The armed forces of a free country could morally seek only the defense of men from those who initiated force against them, and its primary concern would be with the members of its own society.

The next question which occurs is how are such armies to be raised. The only possible answer for any advocate of man's rights is that they be raised *voluntarily*

through contractual agreements between men. The armed forces of an anarcho-capitalist society would be composed of paid professionals dedicated to the cause of human freedom.

The immorality of the draft is obvious. Not quite so obvious is the fact that it is also completely unnecessary and impractical for the defense of a free society. The reason why the draft is unnecessary can be summarized by a single sentence: *Men defend that which they value, and there is no purpose in their defending that which they do not value.* Thus if men value the society of the United States of America, they will defend it *freely*. If they do not value it sufficiently to do so, then what person or group can morally claim that they should be forced to defend it? All that can be claimed is that some men (e.g., the voting population of a country) should have the "right" to *force* others (e.g., the out-numbered and non-voting young) to fight their battles for them. But this is nothing but the purest hypocrisy. Such a moral position has never been, and could never be justified by anyone. A draft is involuntary servitude, and involuntary servitude is slavery, plain and simple. The enslavement of some men to defend the lives of men who are too cowardly to defend themselves is the lowest kind of moral cannibalism.

The draft is impractical because one cannot temporarily enslave some men in order to secure their own long-run freedom, or in order to maintain the freedom of others. Slaves simply make inefficient soldiers for they have no incentive to be efficient. And how can one possibly convince them that they should fight for the freedom and rights of others when their own freedom and rights are being denied *en toto*? Moreover, there are many other inefficiencies which result from conscription as it exists today: high training costs engendered by large turnover rates, the occupational inefficiency of two-year soldiers and the negative motivational effect of paying America's defenders less than Job Corps Trainees from the slums. Consider further the blatant diseconomies of forcing highly trained, individualistic scientists and professionals to do menial work in the name of "democracy" and "impartiality." Then there is the destructive psychological effect of attempting to turn free men into robots, capable only of obedience and not of thought or independent judgment. Finally, there is the loss in productivity to the external community, which Professor Milton Friedman calls a "tax in kind,"¹³ of removing such highly productive men from society.

The draft is clearly totally at odds with objective morality and the requirements of a free society. The soldiers of a moral society would necessarily be fully-paid professionals. Let us now turn to the topic of financing and operating an anarcho-capitalist armed forces.

Apparently the greatest obstacle to operating an armed forces without taxation is the great sums of money involved. Over 80 billion dollars has been allocated for the current fiscal year (1969-1970) to U.S. defense spending. Where would all of this money come from without taxation?

The first fact to point out is that the armed forces of a free society would not be nearly as expensive as the armed forces are today; neither absolutely nor relatively. Since the armed forces of a free society would be a *defensive* organization, rather than a "world policeman," cost of operation would be for that reason alone much lower. In the extreme, such incredibly irrational wars as Vietnam (where we witness the spectacle of the first Orwellian continuous war, destroying thousands of American lives and draining billions of American dollars) would be impossible. In a rational world no one would volunteer for such a war. Immediately, then, we would have a savings of \$40 billion a year. In addition, the absolute cost (all things considered) of professional soldiers would also be much lower for the reasons given above. These are two factors contributing to a lower *absolute cost* of the armed forces in a free society.

To understand how a lower *relative cost* would occur, consider the social context in which the armed forces of a free society would exist. Under laissez-faire capitalism we can anticipate a rate of economic growth *at least equal* to that of the American industrial revolution, or about two to three times as great as our declining rate of growth today. Such a rate of economic growth would produce, after a few decades, undreamed of heights of productivity and affluence. For example, a growth rate of 5% per year, lasting 20 years, would increase the 1968 GNP* of the United States of \$800 billion more than 2.6 times to \$2.13 trillion. *Any socialist country would be literally unable to copy, steal or mimic the technology of a laissez-faire America fast enough to even begin to match this rate of technological progress.* Such an uncontroversial lead in technological development would make the cost of maintaining an effective deterrence relative to the GNP, a fraction of what it is today. (Even now, the semi-free United States spends only one-half as much as the Soviet Union on military armaments, expressed as a per cent of the national GNP.) In such a context, a multi-generation advance in weaponry over the rest of the world would not be long in coming. For example, an *effective* ABM, or orbital continuous beam laser emplacements might be developed. The inherent dynamism of laissez-faire capitalism would then create a relatively inexpensive armed forces. With this background, let us now examine in detail how financing without taxation could be effected.

First consider just what and whom it is that needs defending, or, conversely, think of the primary objects of attack by totalitarian states. In order of decreasing primacy, targets in the nuclear age are: (1) centers of social organization and control: administrative facilities of agencies of retaliatory force and communications and transportation facilities; (2) offensive and defensive military facilities (missile bases, ships, radar installations, troop concentrations, etc.); (3) industry; (4) food sources; and (5) population centers (i.e., cities).

Now the basic answer to the question of how the armed forces of a free society could be financed is that these subdivisions of society would provide for their own defense, in proportion to the degree of threat which they perceived as confronting them. Larger corporations might do so by building armaments; smaller firms could contract for defense with special "protection companies." In those cases where industries were geographically concentrated, making them logical objects of enemy attacks, it would become rational for them to join together in special associations and mutual assistance pacts to, for example, purchase and maintain missile sites to deter attacks against them. Center of social organization, agricultural communities and population centers could do likewise. (Protection companies would naturally provide for their own defense.) The major instrumentalities of the armed forces of a free society would then consist of indigenous defensive installations, purchased from any one of a variety of contractors and maintained by personnel hired specifically for that purpose. In a phrase, the answer to the problem of defending a free society from external attack is a *non-coercive* "military-industrial complex."

Troops could be raised in a variety of ways: private contracts, special training of police to create "standby reserves" or special organizations which trained citizens interested in participating in the armed forces. The "armed forces" of a free society, unlike today, need not be a monolithic organization with tin soldier regimentation. Such forms of coordination and cooperation between different groups as might be necessary would arise, when objectively necessary, through cross-organizational military associations -- similar to the associations which unite the private volunteer fire-departments of America.

*GNP: Gross National Product, the theoretical total value of all goods and services produced in a given society in a given year.

It should be emphasized that the major form of financing the armed forces of anarcho-capitalism -- *protection contracts* -- would not be charity, in the sense of men contributing arbitrary amounts to vague causes, without receiving any tangible value in return. A free market in military defense would mean that men would only contribute to those forms of defense which directly contributed to *their* security, according to their perceived need for it.

There are also many other possible supplemental forms of financing for particular military activities. To give one example, consider military research. A simple form of financing this activity would be for a research company to issue special "defense bonds" to raise capital. The principal and interest on these bonds could then be paid back out of profits accrued from the sale of patents resulting from such research, or products developed with these patents -- the technological spin-offs.

Protection contracts could also be extended to cover American individuals or corporations living or operating in foreign countries. A three party contract could be concluded between, for example, an American company abroad, the foreign government (or defense corporations) and an American protection agency. The American protection agency, with the agreement of the foreign government would protect the American factory from hostile natives in return for a yearly fee which the industrial firm paid. Similarly ships could contract for naval protection, planes for air protection and so on. American military agencies could also contract with foreign communities to protect them from Communist invasion or local despots.

Finally, in time of war, a further method of military financing exists. During conventional wars, such as the Korean War, "war bonds" could be issued to finance military operations. These bonds could then be repaid when the army won by selling unowned land and government property in the defeated country. If the army did not win, it would presumably go bankrupt; such as the risks of war.

This now concludes our discussion of the financing and operation of agencies of retaliatory force of a free society. In summary, justice agencies (e.g., patents and copyrights, contract protection and anti-fraud companies) could be financed by *service fees*. Police forces and courts could be financed by insurance-type *service contracts*. Penal institutions could be financed by making prisons self-supporting, profit-making institutions. Finally, the armed forces of a free society could be financed by *protection contracts* and *special bonds*.

We now know how and why a free society might work. However, rather than stopping here and leaving my concept of a free society without a means of practical implementation, I will now discuss how such a society could be created in reality, given the socio-political nature of the United States today.

4.0 CREATING A FREE SOCIETY

We are now living in a society very far removed from the free society possible and proper for man. Today association is not free but controlled, determined and coerced in a myriad of ways by government. Property is not fully private, but increasingly public. And force is rampant upon the land. In the United States today we are witnessing the conversion of welfare statism into welfare fascism. The process of censorship is already beginning, and it may not be long before men will not even be free to dissent.

Between our decaying freedom and total slavery stand only the remnants of individualism and a hand-full of Objectivists. As I see it, there are basically three alternatives which those of us who value their freedom have: (1) submission, (2) retreat or (3) activism. To submit is tantamount to accepting those forms of personal subjugation which already exist -- e.g., the totalitarian draft, confiscatory taxation, and fascist control of free enterprise -- as well as accepting those even more heinous forms which are yet to come. To submit is tantamount to surrendering one's life without a struggle. For any man who values his life, this is not an alternative at all.

The second alternative is to retreat, to form an Atlantis on an island somewhere in a remote region of the earth or preferably on another planet. Of course, retreat need not be complete: one could conceivably set up a society in the world somewhere which traded with other communities. However it must be pointed out that with populations below a certain "critical mass," there is an inverse relationship between contact with the outside world and internal security. Thus a society of 1000 Objectivists who set up their free community on say Cuba, and who traded with the United States, specializing according to their relative advantage in sugar cane and philosophical research, would be totally dependent upon the United States for their continued economic prosperity, and hence they would be potentially subject to control by the U.S. Government. Should Washington decide that such a community of radical individualists were a threat to the fascist "Great Society" (which ideologically they certainly would be), it would have the power of destroying the "free port of Cuba" by simply stopping trade with it or declaring an embargo.

At the opposite extreme, if 1000 Objectivists decided to form a free society in the remote regions of South America or Africa, being very careful to conceal the existence of their community and trading with no one, they *would* be able to obtain very high security; but their living standard would probably be very low. It is simply impossible for a small group of even the most productive men and women to duplicate the division of labor benefits and capital investment of a world-trading community of over one billion. In natural resources alone they would be drastically limited. Only when the standard of living of the United States radically declined would such a community be very attractive to many Objectivists.

The third alternative is to create a free society in the larger community of the United States. This necessarily could only be achieved through the general process of education. The reason why education is the only possible means to this end is that our present coercive state and our concomitant flagging freedom and prosperity are simply a consequence of the incorrect values and philosophy which people hold. Abolish the state (the main instrumentality of those values and that philosophy) overnight -- say through a violent revolution -- and the subjectivist and collectivist values which most Americans hold would remain, reassert themselves

and recreate a society *just as coercive* as the one we have today; and probably even more so. Since values as the primary, and social forms the consequence, the *only* way to create a free society on a large scale is through education. However, a process of slow education, the gradual change of the philosophy of America is not an alternative open to us. Long before we could penetrate the established public school and political system with our ideas if we confined our actions to traditional forms of education, censorship will be imposed. Clearly an expedient to cultural change is needed.

4.1 Alternatives to Government Institutions

How often have you presented a brilliantly stated, logically air-tight thesis to a collectivist only to have him say "That's fine in theory, but in practice it wouldn't work." This of course is an absurdity, but it is next to impossible to convince most collectivists of this fact by purely forensic ability. Clearly, if we are to convince the great majority of American intellectuals, something more than "logical theorizing" is necessary.

What I propose is the actual creation of alternatives to government institutions -- initially schools, post offices, fire departments and charity; later, roads, police courts and armed forces. Libertarians recognize that government services are hopelessly obsolete and inherently economically unsound. With the present system, it is patently impossible to assess the costs of education and police investigations at all. Rather than trying to politically convince two hundred million Americans that this is so on the basis of rational economic theory, libertarians should instead demonstrate the fact by actually creating the far superior institutions of a free society. Fire departments, schools and post offices should immediately be set up by men and women who understand the free market and who are competent as businessmen.

One way to do this would be for rational businessmen to cooperate with libertarian students and theorists in order to establish such enterprises as *franchise operations*, using all of the skills of modern industry. Simultaneously, libertarians should act politically to free the market to facilitate these enterprises; meanwhile theoreticians should attempt to infiltrate the mass media, or start their own popular magazines and telecommunications facilities to emphasize to the American people that these institutions *are* working far better than their governmental equivalents; and then to explain *why* they are doing so. Such a dramatic demonstration of the efficacy of the free market might well accomplish what mere talk alone is unable to do: free America.

How can the men and women of America fail to understand the value of freedom in all areas of human enterprise when private post offices, roads and police are actually providing far better services than government is capable of delivering?

4.2 The Imperative To Act

"We are now witnessing the collapse of civilization. Collectivism and its many social manifestations, fascism, communism and welfare statism, are running rampant and virtually unopposed in the world today. Society and men may survive the coming armageddon, but freedom and the individual will not. This is the age of world war, world crisis and world statism. The present domination of collectivism heralds the beginning of a new dark age before the start of the twenty-first century -- *a dark age in which the dictators will be armed with nuclear weapons.*

"The only thing which can prevent the final fall of reason, freedom and civilization, *the only thing which can prevent you from dying in a totalitarian America,* is counteraction on a vast scale. The only philosophy capable of giving man and civilization a rebirth is Objectivism."¹⁴

There are two pre-conditions for the preservation of the partial freedom and prosperity which we now enjoy and the attainment of that state of existence proper to man. The first is the existence of a philosophical defense for freedom and man's rights. The second is the existence of men willing to act on the basis of those principles to preserve their lives and to create a free society. Both pre-conditions are necessary; neither one by itself is sufficient. The first pre-condition was provided (in essence) by Ayn Rand with the publication of *Atlas Shrugged* in 1957. The second pre-condition is yet to be established. *If freedom is to be won, and slavery to be averted, it is imperative that the second pre-condition be achieved -- that men aware of the issues involved, particularly the readers of this article, act.*

A free society will not be created by some nebulous "others," it will either be created by you or it will not be created at all. Freedom will not be won simply because "it is right," but it will be realized only when and if those who recognize that *it is right* take positive action. Those of you reading this essay who are going about your day-to-day routine as if collectivism did not exist, as if you were not immeasurably and increasingly diminished by the myriad of irrational laws governing your actions; you will be the ones responsible when the concentration camps come to America; and moreover, you will be the prime candidates for them. For too long you have sat in your discussion groups and talked about what is wrong with America; now is the time to do something about it.

Not only is it imperative to act; it is also immoral *not to do so.* Consistent with Objectivism, one has the moral duty to act to preserve one's own life and meet threats to it. The basic criteria of morality is to *act* in your rational self-interest. To merely abstain from initiating force against others is not to act morally. Under any circumstances, to be moral, one must positively act to maintain one's life. Today, to fail to act is to commit suicide.

Do not say that someone else will act for you. There is no one else. Do not say that you do not know what to do; there is not one else who knows better. Do not say that you are too busy with your daily routine. To be too busy to act against collectivism is to be too busy to live.

The irrationality of presently inactive Objectivists can best be described by means of analogy. It is as if one evening when your entire family were at home, everyone went about their normal routine, eating dinner, watching TV and doing homework, while outside the rest of the block was in flames and the fire was rapidly moving toward one's own home. True, your home is not yet burning; but the best possible way to insure that it will be soon, that you and all that which you value would soon be destroyed, would be to do nothing. Not to call the fire department, not to leave, but just to sit there as if nothing extraordinary was happening, would be the most blatant irrationality. So it is that thousands of Objectivists across the country go about their daily affairs, to all intents and purposes oblivious of the collectivist threat to their life. They may be aware of that threat in the abstract, but their failure to act on the basis of that awareness is effectively as bad as not being aware of that threat at all. Even worse, to be aware of a threat to one's life and yet to fail to do something about it is tantamount to choosing the immoral.

It does not matter whether one is inactive because one does not care to do anything about that threat, or because one does not know what to do. Not only do you have the responsibility to act, but you also have the responsibility to think. You must judge, plan and organize to realize that state of freedom which is proper to man. Perhaps twenty years ago one could justify going about a daily routine without acting against collectivism -- perhaps then. However such inaction is certainly not defensible today. The very things which you value so much that you are afraid you will lose through activism -- your job, your social activities, and your future -- these are the very things which you are sure to lose through *inaction*.

You are free to evade the fact that you are responsible for your own life, but you are not free to escape the consequences of that evasion. You are free to be fatalistic, but you are not free from the consequences of that fatalism. You are free to fail to act, but you will not be free at all if you do.

What can you do? Join SRI or a similar organization, or start one of your own. Participate in its projects; contribute to its functions. Don't abandon your children to the schools of the state -- start alternative schools of your own. Cooperate with others, explain to them the necessity of activism and get *them* working.

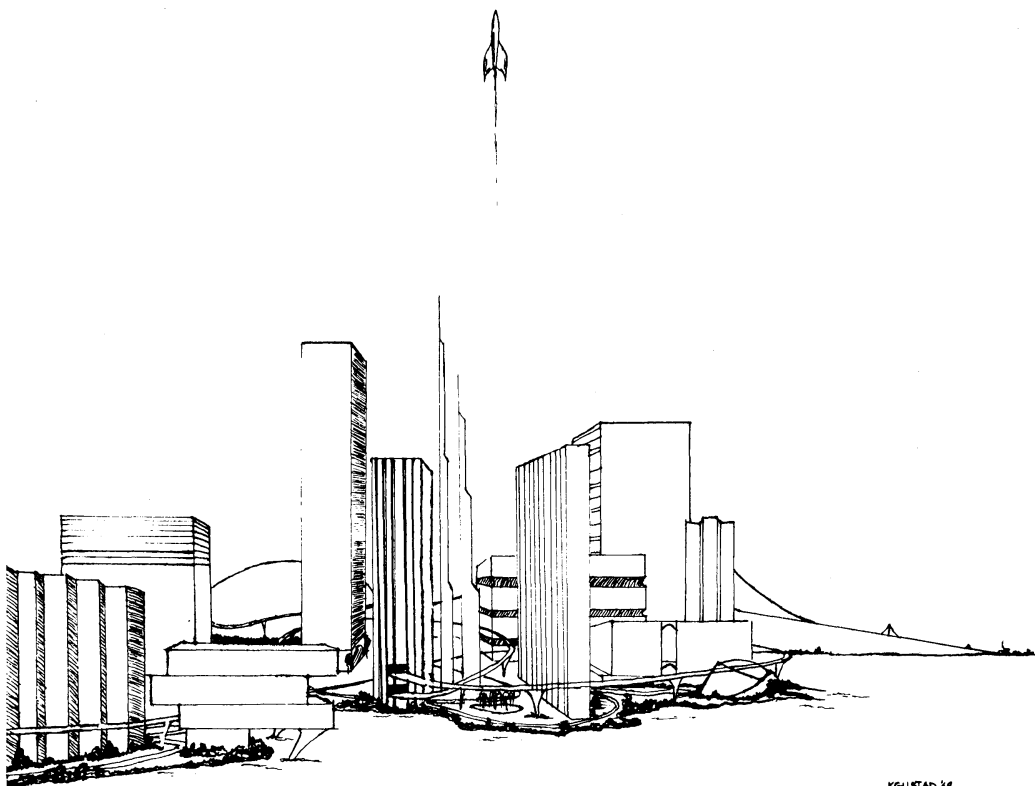
Do not be indifferent to the failure of others to act. When they so fail they jeopardize your own probability of success. If ten thousand of us act, freedom may be won; if only ten of us do, it probably will not. Do not fear to pass moral judgment on the inaction of others, or delude yourself into believing that the choice to act or not to act is a matter of individual preference. This is false. The same reasons which make action a moral necessity for you, makes it a moral necessity for others. The same reasons which make inaction immoral for you also makes it immoral for others.

Do not be overwhelmed by the magnitude of the task before us. The state *is* powerful and much larger than we are at present, but it is also corrupt and inherently inefficient and appeals to the worst within men.

To win anything worth attaining we must be right, but to win anything at all we must also act. Like that first man of prehistory uncountable eons in the past, you have the choice to think or not to think, to act or not to act, to submit to the tyranny of your environment or to soar beyond it.

Man's fate for centuries in the future and perhaps for all time will be determined by what you do or fail to do today. Which shall the dawning of the twenty-first century herald: the beginning of the first mature human civilization or the end of man? The choice is for you to make.

If you choose the former, if you choose to act to preserve your life, then join with us to create that society as far beyond twentieth century America as twentieth century America is beyond the caves: SOCIETY WITHOUT COERCION.



FOOTNOTES

¹Ayn Rand, "The Objectivist Ethics," The Virtue of Selfishness (New York, 1964), p. 13.

²Ayn Rand is a Russian-born philosopher and novelist. Her major works include the novels Atlas Shrugged and The Fountainhead, and the books Capitalism: The Unknown Ideal and Introduction to Objectivist Epistemology. She is presently editor and publisher of a monthly journal of her philosophy -- The Objectivist.

³In the argument stated in the text we asked what could be predicted about human thought and action assuming that one could know in totality and detail the neurological structure of the human brain and the nature of all environmental stimuli and correlated human response. Let us now ask if these variables in human action could in fact be specified at any time, even in the remotely distant future. To this question the answer would appear to be that metaphysically it is possible, but epistemologically it probably is not. Consider the kind of scientific description that would be necessary in order to predict in detail and precision the actions of any given human being. First, the general structure of the human brain would have to be specified exactly. Second, the specific structure of the brain of a given individual under study -- its differences with the general structure and the functional importance of those differences -- would have to be known. Third, a suitable encoding system would have to be found for all environmental stimuli effecting the individual; such specifications to precisely describe not only discrete stimuli and their psychological effects in isolation, but also to precisely describe their nature and psychological effects as complex patterns. Even the question of whether environmental stimuli are to be treated as discrete or as patterned is itself a function of the state of human consciousness: i.e., an individual may focus either upon discrete objects in isolation from others, or he can focus upon an entity as a part of a larger pattern, or he can focus upon an entity's relationship with other entities, and so on. The possibilities are virtually infinite. Fourth, the incredibly complex effects of the environment on man, and the effects of man on the environment would have to be specified. The position, relationship between, pattern of and perceived significance of every object which our subject encountered, would have to be specified before one could precisely begin to attempt to predict his thought and action.

If the determination of the four factors listed above is metaphysically possible, it is highly unlikely that it will be achieved before the sun of the earth goes nova, obliterating the environment being specified and hence frustrating the successful specification of human action and thought. We therefore reassert that given the nature of man and his universe, the complete description and prediction of the thought and action of an individual is virtually impossible. Since knowledge must precede control, the successful control and coercion of another individual (i.e., control and coercion without violation his rational self-interest) is virtually impossible. Hence man should be free.

⁴After Ayn Rand.

⁵Ayn Rand, "The Nature of Government," The Virtue of Selfishness (New York, 1964), p. 107.

⁶Op. cit.

⁷R.A. Childs, "An Open Letter to Ayn Rand: Objectivism and the State," The Rational Individualist, 1:10 (August, 1969), pp. 4-12.

⁸Op. cit., pp. 112-113.

⁹At this point I would like to thank Mr. Sheldon Wasserman for his suggestions made to me in 1967 of how a free market, fee-paid fire department might operate. I have here applied his concept, plus many of my own, to police departments.

¹⁰Thank you, Donna Rasnake, for reminding me of this possibility.

¹¹This analysis is based upon principles elucidated by Dr. Leonard Peikoff in his speech "Certainty Without Omniscience" delivered at the First (and last) Regional Conference on Objectivism, held at the University of Virginia at Charlottesville, April 30, 1967.

¹²I would like to credit Mr. William Bobick for this brilliant suggestion.

¹³Milton Friedman, "The Case For A Voluntary Army," The New Guard, 7:5 (May, 1967), pp. 12-16.

¹⁴Jarret Wollstein, "Intellectual Property Rights and Social Action," The Rational Individualist, 1:6 (April, 1969), p. 24.