

DEFINING GOVERNMENT, BEGGING THE QUESTION: AN ANSWER TO WALTER BLOCK'S REPLY

TIBOR R. MACHAN

WALTER BLOCK HAS PENNED a response to my paper¹ in which I argue that there isn't much more than a verbal difference between limited government (minarchist) and defense-insurance agency (anarchist) libertarians. The gist of my case is that the anarchists' defense-insurance agencies or justice services are a version of noncoercive governments.² Admittedly such governments are rare but they have existed in human history and could exist where there is the will to establish them.

Block disputes my thesis for one reason: He defines government as necessarily coercive. He follows Murray N. Rothbard here, saying that "One sufficient and arguably necessary condition [for something being a government] is taxation" (p. 62), although he does not argue for this definition.³ To simply assert this definition of "government"

TIBOR MACHAN teaches business ethics and holds the R.C. Hoiles Chair in Business Ethics at Chapman University.

¹See Block's "Anarchism and Minarchism; No Rapprochement Possible: Reply to Tibor Machan" on page 61 in this symposium issue. All page numbers are to this article unless otherwise noted.

²In contemporary political philosophy the most direct advocacy of this view may be found in the volume *Society Without Government*, which contains Morris and Linda Tannehill, *The Market for Liberty* (1970) and Jarret B. Wollstein, *Society Without Coercion* (1969). Earlier there was Morris and Linda Tannehill, *Liberty Via the Market* (1969). See, also, Richard and Ernestine Perkins, *Precondition for Peace and Prosperity: Rational Anarchy* (1971). For statements of classical anarchism, see Robert Hoffman, ed., *Anarchism* (1970). For early discussions of mine see "A Note on Neff's Anarchism" (1971a), and "Market for Liberty Reviewed" (1971b).

³"Arguably" means that "a statement is open to dispute but could be defended in an argument." I assume he believes his definition could be defended but does not in fact defend it.

is unavailable to Block since the concept “government,” as are many other concepts—e.g., liberty, love, marriage, law, justice, human being—is essentially contestable.⁴ There are, in other words, ongoing debates about the right definition of these concepts and just to assert that one definition is arguably sound while the others are all misguided is itself misguided. Why are we to accept that the concept “government” necessarily implies coercion (e.g., taxation)? The fact that most governments have been coercive is no more a defense of this position than it would be to claim that the concept “marriage” necessarily implies adultery because most marriages throughout human history have involved adultery or that the concept “game” necessarily implies competition because most games are competitive. Quite possibly other aspects of government are part of its definition.

Here is how I see the issue of how to define government: When classical liberals began to reexamine the nature of human community relations and started to undercut the view that such relations must involve the coercive ruler and the passively ruled—with government representing the rulers and the rest the ruled—this signaled the gradual emergence of a conception of government that began to preclude coercion. Locke already characterized government as concerned primarily with securing our natural rights, something the American Founders also accepted as explaining the existence of government with just powers (in the Declaration of Independence).

Eventually libertarians, those who took classical libertarianism to its proper conclusion, developed a concept of government that involved no coercion at all. Some of these libertarians chose to retain the term “government” for the institution that would maintain law and order in society; others came up with new terms such as “defense-insurance agency.” But both meant the same thing, namely, legal authorities who would proceed to establish, maintain, and uphold justice via a legal order without ever officially using coercive force.⁵

Walter Block—along with several other self-described anarcho-libertarians, such as Roderick Long—refuses to accept the above

⁴<http://www.strike-the-root.com/4/machan/machan44.html>.

⁵We have the legal concept of “due process” signaling this idea quite clearly, namely, that *at its best*, government would secure our rights without ever violating them. As an aside, I have used “coercion” to mean “force that violates rights,” while using “force” to mean “violent means that may or may not be justified.” Not all follow this usage, so I am here indicating what I mean by using the expression “coercive force.”

sketch of intellectual history and insists on identifying libertarians who wish to retain the term “government” as advocating some measure of coercion. I, for one, deny that he is correct in this—as would have Ayn Rand, perhaps one of the most effective and influential defenders of a polity that precludes anything but defensive and retaliatory force from its proceedings—whose lead I follow closely enough in this debate—or John Hospers, John Nelson, Robert Nozick and several others. Rand explicitly advocated funding government without coercion, as have I.⁶

Let me now address some of Block’s specific points.⁷

First a small matter. Block makes reference to the view that “The essence of libertarianism is private property rights based on homesteading and the nonaggression axiom” (p. 62). Given that he later criticizes me for claiming that all libertarians agree with the view that people have inalienable rights, citing a debate about this among some, he should also have noted at this point that several libertarians base their position on different premises and that the so called “non-aggression axiom” is for many a *derivative* principle, based on more fundamental norms, and not an axiom at all.⁸

Block asks, rhetorically, “What are the necessary characteristics of government?” and answers it with the claim already cited above, that “One sufficient and arguably necessary condition is taxation” (p. 62).⁹ He doesn’t defend this claim but moves on to note the well

⁶See note 12 below.

⁷Before I do this I wish to object to his repeated use of polemics and hyperbole, as when he characterizes my efforts as an “attempt to paper over the differences between right wing anarchism and the classical laissez-faire limited government libertarian position” (p. 60). Such language is becoming not of scholarship but to demagoguery. Block makes much use of such language and from here on I will largely overlook his practice. I am aware that in debates the parties will often stray from substance and deploy terms that have as the central if not exclusive function to emotionally injure opponents. But I believe this temptation is best resisted.

⁸For a discussion of axioms, see Machan (1992, pp. 31–62). An axiom is a concept or statement the truth of which cannot be denied without also assuming it. For a detailed case for rejecting aggression as a proper means for dealing with human beings, see Machan (1989).

⁹It is incredible that taxation could be a *sufficient* element of an organization for it to amount to a government, regardless of the political framework in which the definition emerges. Taxation is the admittedly extortionist means of funding government in most political systems. Yet, *what* is being funded must be independently intelligible without reference to *how* the funding is to be accomplished.

known fact that taxation “is a *compulsory* levy” (p. 62). He does say that “Some have denied this,” but then mentions those who do not have anything to do with my own position, namely, ones “attempting to model a nation on the basis of a voluntary club” (p. 62). The position that I present, namely, that governments can exist that do not involve taxation—a position that’s not idiosyncratically mine at all but is shared by many libertarians—is left, surprisingly, untreated by Block. Instead we read him making the following claim several pages after he offers his definition of government,

If “government” collects no taxes, and does not use coercion to preclude the competition of other “governments” in “its” geographical area, then it is not a government at all, but rather a private defense-insurance agency, very much a part of the legitimate marketplace. (p. 73)

There is no reason to invent the term Block deploys in the above paragraph—I have made that point in several of my earlier discussions, including in my review of *The Market for Liberty* (1971b). Defense-insurance agencies are governments of a certain type.¹⁰ The only interesting question is whether competition among them can take place within the same geographical area, in what I have characterized the “crisscross” fashion (the way pizza and newspaper delivery services can all operate within the same geographical area) or would have to service citizen-clients within a homogeneous region (the way electrical, water-supply, or flood-control services are provided within such regions). If the former, then there can be competing governments (or defense-insurance firms) servicing people in the same region; if the latter then governments (or defense-insurance firms) would have to provide their services in separate regions. Whatever competition were to take place would follow the requirements of the services in question. My view is that the latter type of situation is suited to the services provided by a government (or a defense insurance firm) and that the appropriate form of competition would involve emigration and immigration, as it does even today, although with far less difficulty. (Block keeps insisting that citizens are captives; this is wrong; only in countries such as the one from which I escaped, communist Hungary, is one forbidden to leave.)

¹⁰Classical anarchists, by the way, would reject the libertarian version of anarchism on the grounds that no legal authority can escape corruption into despotism. For more on this, see <http://www.black-rose.com/articles-liz/intro-@.html>. See, also, the essays in Hoffman (1970).

The situation would resemble the competition evident among gated housing or apartment complexes.

Block brings up an issue I do not address, namely, world government; so since I didn't introduce it I will only mention that I am not in principle against world government any more than Block could be against, using his own terms, a naturally emerging (say, via giant mergers) world-wide defense-insurance agency.¹¹

Block goes on to allege that the "second fatal flaw in the limited government libertarian viewpoint concerns secession" (p. 64). Nothing in the limited government position I hold conflicts with secession, so I do not understand why he raises this topic. If one has honored all of one's contracts under the jurisdiction of a given government, emigrating to another is certainly unobjectionable. One could even remain in the same territory and reject citizenship, so long as this does not involve blocking services to others with whom one has signed up for the services of government, that is, fellow citizens. Changing citizenship may not be so simple as changing pizza delivery firms but it may actually be simpler than, say, leaving the teaching profession and entering farming—the opportunities for farming may be thousands of miles from where one did the teaching. Extricating one's involvement with some businesses in entirely free markets can be cumbersome, especially if one has signed up for long term relationships (such as health or life insurance services, earning university degrees, etc.). In short, the secession issue in this discussion is not on point.

Block makes a great deal out of my being "*the* leading libertarian advocate of minarchism," (p. 66) which is really an exaggeration. I have spent most of my energies on other topics, although, as noted

¹¹As an aside, it is interesting that if nothing of the nature of government is retained in the types of agencies that Block and his fellow anarchist-libertarians propose, they could easily become totally unlimited in the scope of their business operations: why should a defense-insurance agency not also get into the business of baking, auto-manufacturing, farming, education, etc.? The classical-liberal idea that an agency that addresses the problems of justice should remain separated from organizations in society such as churches, educational institutions, scientific research centers, art museums, the theater and so forth seems to be obsolete in Block's conception of such agencies. They could easily merge with all these others and come to address all the issues that totalitarian or welfare states do. Perhaps this would not involve them in any kind of coercive endeavors but it would jeopardize the impartiality that the administration of justice requires.

already, the one paper of mine on the topic with which Block should have dealt he leaves unmentioned.¹²

Block announces that “I shall in the following treatment attempt a meticulous refutation of [Machan’s views]” (p. 67). What we do get from Block is a lot of emotion-laden, colorful characterization of my various points—“argument from authority,” “fictitious entities,” “fallacy,” “giving the game away,” “orgy of coercion,” and so forth. But there is little discernible substance, let alone meticulous refutation, in his paper.

Actually, this is understandable since Block’s central point is, as we have already noted, that what I call government isn’t government at all because necessarily all governments are coercive (because they must tax and because they do not admit of competition within their jurisdictional boundaries). That all this is question-begging—that is to say, assumes the conclusion he seeks to prove in the premises with which he starts his argument—does not seem to bother Block.

At one point he does mention an issue that is of substance in the discussion of whether a market already requires laws for its operations, so that the establishment of law cannot be left solely to market processes. Making this point, which isn’t original with me (Kelley 1974), is to say that defense-insurance agencies that would operate so as to make laws already need laws—they need to have property rights in effect so as to operate their enterprise; they need to have contracts established and upheld between them and their clients; they need to have their articles of incorporation registered with some office that records such organizational arrangements, etc. A legal framework, even if only a very thin one, is presupposed by even the most minimal market processes, one reason why politics, which concerns law, cannot be reduced without remainder to economics.

In the course of touching on this matter, Block once again introduces language that is irrelevant—for example, where he says “If Machan were intent on bashing free market anarchism and elevating limited government” (p. 70).¹³ Leaving that aside, my point about

¹²This is where I argue, following Rand’s lead, that government may be funded without taxation. See, for more, Rand (1973, pp. 363–67), and Machan (1982, pp. 201–08). (Block’s failure to mention this work is mysterious, given that he has a paper on free market roads in the same volume.)

¹³My practice in the course of these sorts of debates, even with persons whose views I find abhorrent because of what I believe they would produce if taken seriously and implemented, is not to engage in bashing or elevating but in assessing whether or not certain ideas are feasible and theories sound.

markets presupposing laws is that there are legitimate *political* concerns in human life, even if they be limited to the issue of effective and just defense of individual rights. (Block seems to equivocate between the concepts “political” and “criminal” or “coercive.” But again he begs the question doing so.) The language deployed by anarchist libertarians suggests otherwise, although if one looks closer and translates the neologisms into normal English, it turns out that anarchist libertarians really do not believe that laws are produced in the market place. They must already be established, to some minimal degree, for markets to begin to operate.¹⁴ Block is eager to defend his anarchist position—which involves crisscrossing legal authorities—against my (once again not original) point that such legal operations would very easily produce chaos and indecision. For someone who chides me for committing the fallacy of “argument from authority,” it is interesting that to answer my objections Block mainly mentions Murray N. Rothbard and David Friedman. He adds to this merely by noting that

there will be two kinds of courts in the free market: those who (sic) anticipate that their findings will sometimes conflict with others, and contractually obligated themselves to take their differences to an agreed upon different court as the final arbiter, and those who either do not make this forecast, and/or refuse to be bound by any third court. (p. 71)

Only the latter pose a problem, according to Block.

The former, however, do not pose a problem only because they are unrealistically conceived. The supposed contract cannot work because there is no enforcement agency to uphold it. Block’s reply reveals once again his question-begging policy as he argues his case: he assumes that there *will* be this benign agreement among various defense-insurance agencies. For someone who chides me for suggesting that government could be noncoercive, on grounds that it has rarely been that, Block accepts all too readily the possibility of such benign agreement between different defense-insurance agencies, including their clients (especially criminals). One need but look around the globe and notice how little agreement is extant among

¹⁴“Markets” are, of course, not some kind of entities but spheres of certain kinds of conduct, namely, commerce. It is people who engage in commerce; and when and where they do this, we find markets. Since commerce assumes the respect and protection of the right to private property—one cannot trade what one doesn’t own—the organized institution of the law of property, especially in complex civilizations, must pre-date commerce and, therefore, markets. (In primitive communities some of this can be carried out in simple, even unrecorded ways, but not for long.)

competing legal orders. One may wish that such agreement could be implemented but it is best not to *expect* this—in which case the alternative to the crisscrossing jurisdiction of whatever one wishes to call the legal authorities, namely, their operation in various pockets of homogeneous regions, is a wiser, even rationally required, option.¹⁵

At one point Block makes a statement that is highly revealing of his methodology: He claims that the debate in which he and I are engaged—namely, whether libertarians adhere to some or no conception of government—“is important because it helps us shed light on the bedrock essence of libertarianism. It demonstrates, *from my perspective*, that to be a truly consistent libertarian . . . one must be an individualist anarchist and must, in the end, eschew minarchism” (p. 70; my emphasis). Of course, from his perspective he can demonstrate whatever he likes, given that his perspective already assumes everything he wants to establish. The crucial issue is whether he can defend *his perspective!*

Block states that “a government that acts ‘purely defensively’ is not a government at all” (p. 72), but this again is something true by stipulated definition for him, not established via argument. Once he has his undefended definition in tow, nothing else but this could be true.

In the end what we get from Professor Walter Block is his oft-repeated reiteration of certain opinions about governments, coercion, taxation, markets, competition in law-enforcement, etc., and nothing much more. They do all square with his perspective, of course. But that perspective is in desperate need of being defended as the best one concerning how justice is best upheld in human communities. Arguing in circles is not going to do any good for his case, however. And it is furthermore sad that as he does such ineffectual “arguing,” he manages to embark on endless self-certain polemics and hyperbole, as if his zeal could substitute for the arguments that are missing in his response to my paper.

REFERENCES

- Hoffman, Robert, ed. 1970. *Anarchism*. New York: Atherton Press.
 Kelley, David. 1974. “The Necessity of Government.” *The Freeman* 24 (April).

¹⁵One might make the same point about governments: they could be noncoercive but aren’t likely to turn out that way. But this very same point should be kept in mind about any kind of legal authority, including the allegedly different defense-insurance agencies Block likes.

- Machan, Tibor R. 1992. "Evidence of Necessary Existence." *Objectivity* 1 (Fall): 31–62.
- . 1989. *Individuals and Their Rights*. La Salle, Ill.: Open Court.
- . 1982. "Dissolving the Problem of Public Goods: Financing Government without Coercive Measures." In *The Libertarian Reader*. Tibor R. Machan, ed. Lanham, Md.: Rowman and Littlefield.
- . 1971a. "A Note on Neff's Anarchism." *Reason* 2, no. 10 (January).
- . 1971b. "Market for Liberty Reviewed." *Reason* 2, no. 12 (March).
- Perkens, Richard, and Ernestine Perkens. 1971. *Precondition for Peace and Prosperity: Rational Anarchy*. Ontario: Phibbs Printing World.
- Rand, Ayn. 1973. "Government Financing in a Free Society." In *Economic Justice*. E.S. Phelps, ed. Baltimore: Penguin Books.
- Tannehill, Morris, and Linda Tannehill. 1970. *The Market for Liberty*. In *Society Without Government*. New York: Arno Press and The New York Times.
- . 1969. *Liberty Via the Market*. Self-published.
- Wollstein, Jarret B. 1969. *Society Without Coercion*. In *Society Without Government*. New York: Arno Press and The New York Times.

