



the man who knows what freedom means will find a way to be free

## YOU DON'T HAVE TO GO APE TO GO FREE



On more than one occasion, individuals have approached me with the following comment. "Okay, you want a free society. Splendid. Don't we all? But how can we get it? What can we do to create the kind of society we want?"

When I begin a careful and detailed response, almost without exception, impatience seizes the emotions of my questioners. "Why don't you run for office?" I am asked. "We'd sure vote for you. And if you could get enough votes, you'd be in power and could bring a free society into existence."

When I say that nothing on earth could get me to run for office, or to accept an office if one were thrust upon me, I am frequently disbelieved. "Come on, LeFevre. Tell us what you'd do if you got to be president. Let's suppose that you've won a national election. What's the first thing you'd do? Abolish the income tax? Or the State Department? Or

would you cancel the whole government at once? What would you do?"

My answer invariably has been, "I would abdicate."

Stunned, my questioners stare, incredulity dominating their expressions. "But you say you want a free society! And now you have total power to do as you please. And if the office of president doesn't have enough power, let's suppose we give it to you. You are the sole and complete ruler, a dictator. You can't just shrug off that opportunity. What would you do?"

Again I say, "I would abdicate." And sometimes I add, "How can *you* be free if you are compelled to follow *my* plan for *your* freedom? What kind of freedom would that be?"

The upshot of these exchanges is that over the years I have been branded as a "do nothing"; a "pie

## YOU DON'T HAVE TO GO APE

(continued)

in the sky" sort of fellow; and a "pacifist, who won't even defend himself if attacked."

So at this Christmas season it appears to me appropriate to set forth the steps that I believe will have to be taken if we ever hope to have a free society.

The first requirement is to catalogue — understand — the devices and tools that would be available to people wishing to attain to a climate of freedom. Force isn't one of them. To me, freedom is a state or condition of non-coercion. It is a situation, a condition, a climate, if you will, in which no one coerces you and in which you coerce no one. Anything more, less, or other than this, is not freedom.

And please keep this in mind. What I am setting forth are ideas which I find comfortable and in which ends and means coincide. But I am not saying you *must* accept them. Try them on for size and if they accommodate your wisdom and conscience, you may adopt them, too, and without charge.

To work in the direction of a free society, government is not a useful device. Government, by its nature, coerces. If any agency calling itself a government stops coercing, at that instant it stops being a government. And it has always seemed mandatory to me that ends and means be in harmony. I do not believe that one can attain a real peace through war. Nor do I think that one can attain honesty through practices of dishonesty. Likewise, it is not possible to attain a condition of freedom by processes and devices which employ antifreedom methods.

Peace does not mean a group of conquerors, lording it over those who lost the contest. Honest dealings have never been encouraged by practices that fall short of honesty. And freedom, bought at the expense of coercing those who disagree, is merely a condition of temporary stasis, with built-in seeds which in time will burst into positive and forceful reaction.

Consider an election. Let us suppose that a person, thinking of himself as a libertarian, runs for an office that if attained will grant him power over others. Is it conceivable that he will win by unanimous decision? What will he do to those who dissent?

It is certain that many people in this nation do not want freedom. I think they are mistaken. But I have no more right to take their government, their crutch, away from them than they have to force me to lean on it. My understanding of freedom recognizes man's enormous individuality. Some will always disagree. Am I to banish disagreement? Am I to become so omnipotent that I may rightfully inhibit their views by practical steps that leave them helpless? What kind of freedom is that for them? I would have attained a license for myself and those who agree with me, to lord it over those who disagree. That can only be done by the use of coercion. And coercion is the antithesis of freedom.

Rose Wilder Lane, author of *Discovery of Freedom*, makes a profound observation in her great book. She points out that freedom is a natural condition. If one ponders that observation and glimpses its truth in depth, he learns that men cannot create a free society. They will have a free society precisely at the time they *stop preventing it*. And the device that prevents it is government. Not government in the "wrong hands" but government in any hands. It is not the direction that government takes that is the enemy of freedom. Government by its nature is invariably an instrument of coercion and special privilege. When those who employ that instrument become privileged and have power, they coerce those out of favor. The result is a continuation of a non-free society. And this holds true even if the privileged are libertarians. Rousseau, in a burst of enthusiasm in his work, "*The Social Contract*," says: "Freedom is so important that we shall force all men to be free!" Reasonable persons will at once take note of the glaring contradiction.

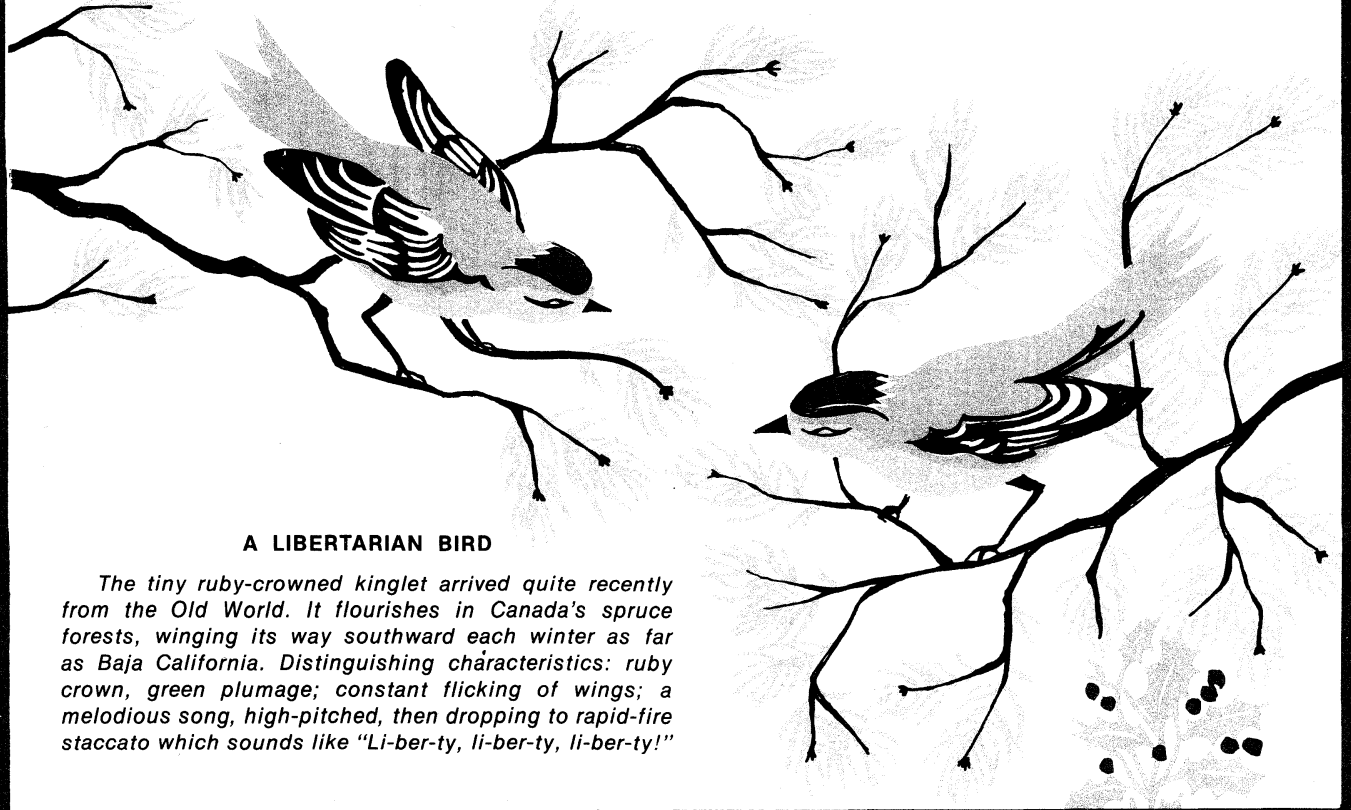
Follow the election process. Let's imagine that the libertarian cause triumphs through an election and some well-meaning person, whose heart yearns for liberty, gains power. At the moment, such a victory would occur only because of a political fluke. But let us grant the fluke, the lucky break. What next?

As the government now exists, it is loaded with skillful bureaucrats, knowledgeable and powerful. The first thing the libertarian chief must do is to make certain he can stay in office long enough to effect the changes he wants. How does he do that? His first step will be to broaden the base of his own power. He must begin granting power to those who have backed him so they will stand with him as he dismantles the agencies and dismisses the persons who presently hold the reins. This will lead to a power struggle — precisely what is transpiring in Washington now.

I think there has been a general interpretation of Watergate as an event that has brought Americans a sudden burst of morality. I hope you will tolerate a more pragmatic view. Watergate from start to finish was a struggle in the government to determine the ultimate repository of power. It is clear that the executive branch has accumulated power over the years and stands at the apex of our presumed "representative" government. With Watergate, both the legislative branch and the judicial branch threw down their respective gauntlets. Their *modus operandi* was the cry of "corruption" in the executive branch. But that is nothing new. We have had corruption there and in both other branches since President Washington.

Richard Nixon was a conservative. That is to say, he had a belief that ran contrary to the bulk of those holding power. So, what did he do? He did everything he could contrive to broaden his own power base. He sought to immobilize or to placate his enemies by

## May You Have A Merry Christmas - In Liberty



### A LIBERTARIAN BIRD

*The tiny ruby-crowned kinglet arrived quite recently from the Old World. It flourishes in Canada's spruce forests, winging its way southward each winter as far as Baja California. Distinguishing characteristics: ruby crown, green plumage; constant flicking of wings; a melodious song, high-pitched, then dropping to rapid-fire staccato which sounds like "Li-ber-ty, li-ber-ty, li-ber-ty!"*

every means at hand so that he could reverse the rip-tide that is reducing America to a welfare state.

When he overplayed his hand and his bluff at last failed, he helped to convert the struggle for power into a personal vendetta against himself. Then he resigned, having named as successor a man he felt was capable of carrying on in the same way. The executive branch emerged the victor with its power undiminished.

By gathering the shafts hurled against executive supremacy into his own person and then withdrawing, he momentarily blunted the attack and disconcerted his enemies. The animus followed him into exile, and Ford emerged as "Mr. Clean."

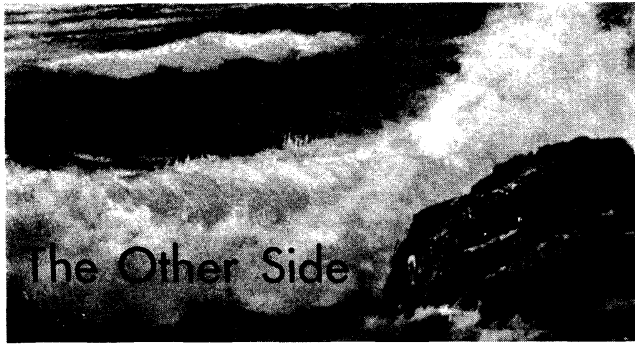
It took the forces of collectivism nearly a year to re-group. But once again the champions of debt, financial waste, and the abuse of power are in full cry. And the struggle for supremacy between the executive branch

and the legislature goes on in the probe of the CIA, the FBI, and other agencies. Again, the legislature is seeking the supreme role, with the judicial branch still in the running, carefully harboring its judicial sanctity.

Now go back over those last four paragraphs and change the wording of the first sentence, to read: Mr. Blank was a libertarian. Nothing else need be altered. Can there be any doubt as to what would happen if a libertarian came to power? The drama would be the same, with only a change in the cast of characters.

As Rose Wilder Lane would surely point out, "This is a revolution only in the sense that a wheel's turning is a revolution. Firm in the center is the assumption that someone must rule others." The contest is not aimed at freedom; it is aimed at determining which of the many contenders will have power over others. Does Mr. Libertarian believe that he will display greater fortitude, cunning, perseverance, and stubbornness than either Nixon or Ford?





My eldest son, a frugal man, complying with my request for “something tangible,” took time and money to prepare and present a pamphlet in which his appreciation of the *Journal* is graphically portrayed. A picture of him and two of my granddaughters appears elsewhere on this page. He told me the pamphlet was tangible, but the postmaster turned it down when I tried to trade it in for a few stamps.

I dislike reminding anyone of the on-going and ever-rising costs of publishing and posting. But I've got to do it.

Liberty has never been a “luxury” for me; it's

**JOHN GILMORE:** “I'm delighted whenever your *Journal* arrives. It examines what I consider the new frontier in libertarian philosophy, unlike most other current libertarian papers which deal with elections, politicians, vitamins, psychology, and other side issues. Concerning your ‘The Free Society: Practical Considerations,’ the abandonment of forced restitution and retaliation would have one additional advantage, for it would enable and encourage the coercer to voluntarily repay his debt to the victim, showing that one was rehabilitated. Under the current system of force, it is very unlikely that a coercer is rehabilitated after being released from prison — quite the contrary, for the prison system builds up vindictiveness.”

**JAMES FONDA:** “I found the fall issue very enlightening. I agree with you that private retaliation is no better than the government we now have. I don't know if reliance on protection will work as a replacement for government, but it seems to be the only approach which has a chance of working.”

**DAN HAACK:** “I remain unconvinced that we should not hang thieves, murderers, rapists, and other assorted criminals . . . You say that if I wish to have the right of sanctioned violation of the boundaries of others, I will ‘invariably be victimized by my (their) own beliefs.’ Well, I'll drink to that, and take my chances. That is the kind of society I want to live in, even if I have to

accept some diminution of my personal freedom. That is why I am opposed to so-called no fault auto insurance. I don't care if it saves me a bundle of money, I don't want it if the guilty s.o.b. that runs into my car gets off scot free.” *The theory expressed here is the crux of the problem. So long as this argument is supported, governments will exist. This argument is more destructive than government itself, for without this argument government would cease to exist. Government is no more than a place for securing anonymity while one's most vicious and destructive thoughts are acted out by others, and the individual, secretly applauding, can deny responsibility.*

**JERRY MORGAN:** “Please let me know what you would consider a fair price for sending your *Journal* to each of several friends I have. Also, would it be possible to talk with you one of these days? I enjoy your ideas. You are a beautiful person.” *I love to talk with anyone who thinks I'm beautiful. A fair price for the Journal is one set by the market. You are my market, Jerry. What value do you set?*

**W. N. MADISON, JR.:** “Retribution seems to be an end sought in anger. I have not known calm

indivisible with life itself. In a strictly financial sense, publishing the *Journal* is a form of self-indulgence at a time in my life when I should conserve dollars I have earned, anticipating ultimate retirement without recourse to Social Security. Your contributions transform my “extravagance” into creative exchange.

Thus, gift-giving is a year-round experience for all of us — you and me — who participate in the writing, publishing, mailing, and paying for *LeFevre's Journal*.

Subscriptions are a businesslike process whereby for a specified amount of money the subscriber is assured of a specified number of issues.

*LeFevre's Journal* is a labor of love: the object of our affection is Liberty. No contract — no obligation — no long-term commitment between publisher and reader, but a practical way of communicating with one another, of expanding our own comprehension and of spreading ideas essential to a climate of freedom.

I can't afford to take you for granted. Nor can I long afford to have you take me for granted. Many have been unresponsive. Many have been wonderfully generous. The *Journal* is priceless. *You* set the value on what you receive.

people to seek violent redress, and I wonder if courtrooms are not just stages that allow cathartic eruptions of feelings and ‘controlled’ discharges of base, irrational emotions. Your ideas guide me — now all I need to do is keep from getting mad at ‘injustices.’”

**WILLIAM BYARS:** “Yours is one of the very few publications I read completely, and boy, do I get plenty each month! Hope you continue to put out your fine paper. Is it possible to get a copy of each of your past *Journals*, and if so, what would you consider a fair price for such a set? Incidentally, I have discontinued paying Social Security taxes, as I am convinced that the system is illegal, not to mention insolvent.” *Only a very few complete sets are still available. The market sets the price. They will go to the highest bidder. What am I offered?*

**NICHOLAS STROLES:** “I've been reproducing your *Journal* and have found it invaluable in explaining the freedom philosophy to my relatives and



acquaintances. I believe that you are consistent. Unfortunately, this is not true of too many leading libertarian teachers and writers."

**JERRY EMANUELSON:** "I have especially enjoyed your behind-the-scenes articles on the founding of Freedom School and Rampart College. Without Rampart, the source of stimulating philosophical ideas for me during my college years would have been pretty much limited to Dr. Boardman's columns and *Gazette Telegraph* editorials."

**SUSIE MOLLISON:** "Had to give the lesson recently for a course out of the University of Nevada, Reno, where the prof comes to Tonopah. Ostensibly, I had to give a book report on one of Ralph Nader's epistles (*that* took precisely three minutes) but of course *anything* is an opportunity for a libertarian! Change, justice, morality were so beautifully summed up by pieces you had written that it was easy. Once again, I thank you for teaching me, so that those kids said to me, 'We've never heard an older person talk such sense' (and they meant ME, Bob, who is all of 37)! 'We want MORE.'"

**FRANK MEINEN:** "How can you call support of the Acme Protection Company 'licensed thieves'? If all who subscribe to this service do so voluntarily, where is the thievery? If I hire a guard to watch my property while I sleep or while absent, what is wrong about that? Doing so with others to save costs, changes nothing. I agree with your statement, '... the continuation of our species may become impossible unless we begin to use the brains with which we are endowed.'" *The Acme Protection Company, if its services are limited to protection, is fulfilling a market demand for a viable service. But if Mr. A contracts with Acme to attack Mr. B (who has no contract) because it is believed that he may have injured Mr. A, this is a contract for theft.*

**JOHN KELLY:** "Don Gastineau's letter (fall *Journal*) — did he write it 'tongue in cheek'? What he suggested is already happening, and I can't imagine how you missed it. Literally hundreds — I know at least 400 Southern Californians who have not paid any income tax for over four years. There are upwards of four million across the nation. In Southern California the government has been able, at terrific expense, to bring less than two dozen to trial; only six have served time, and three of them are out and still not paying. I know of two under conviction

with cases awaiting appeal. Each clearly understands he's on his own. No conspiracy, no membership as such, no dues, no interlocking of groups. There is, however, a tremendous exchange of information . . ." *I heartily applaud any peaceful and reasonable method for avoiding taxes. I'm all for tax exemption. However, we should bear in mind that as long as government has a presumed right to tax, government income will continue to grow larger. While efforts are made to oppose a given tax, the principle is overlooked. Thus, if government can't get it out of your pay envelope, it will take it away at some other point.*

**JEAN RHODES:** "I've read and learned much from your writings since first becoming acquainted with them through the *Colorado Springs Gazette Telegraph*. The enclosed is a long overdue 'thank you!' for your many contributions to my thinking."

**CECIL GROVE:** "Congratulations on your 'The Free Society: Practical Considerations.' That is the most clearly stated and convincing expression of the Freedom Philosophy I have read in a long, long time."

**H. J. WALSH:** "One's freedom increases proportionately as his possessions diminish. Total freedom, in reality, is what one has when he doesn't have anything else. I'm sending this five bucks because I think no one deserves to be totally free. I've found that situation to be awfully uncomfortable." *Freedom means not only the right to diminish his possessions, but the right to increase them. I am happy to increase mine by your five bucks.*

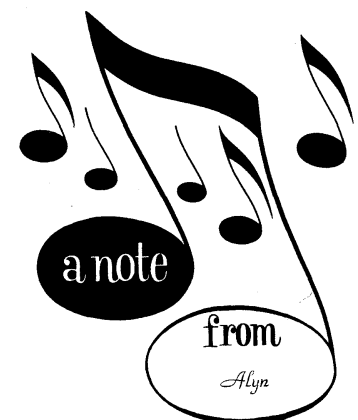
**THOMAS SANDERS:** "Your latest *Journal* does an excellent job on the question of protection vs. retaliation! Part of the difficulty which many 'libertarians' make for themselves is the implicit assumption that if government were to vanish suddenly, we would have chaos. Therefore, libertarians must do something — some political action based on 'objective principles' — to make sure the transition occurs and that it occurs as they believe appropriate — per their principles. The world just is *not that way*. If the freedom which is the ultimate nature of the individual, is to predominate as the conscious philosophy of the human market system, that consensus will gather gradually. It will occur, because ever-increasing numbers of individuals, one at a time, realize that that kind of a world is more profitable than the world of contemporary political systems. And, that realization can only be crys-


tallized through *individual experience* — the practical daily implementation of the principles of human freedom. And, there are any number of ways to do that. If you are alive, you are fundamentally free."

**GARLAND CAMPBELL:** "A note to let you know how much I enjoyed the fall issue. I'd like to request that you add my son's name to your list. I received a bumper sticker from my St. Louis brother-in-law: 'The Lord Giveth and Uncle Sam Taketh Away.'"

**BRADLEY BEREZNAK:** "Your article 'To Catch a Thief' was one of the most logical and clearest I've read. Indeed, a man screams out for his human rights, then cries for retaliation once they have been offended. The time to take action is not after the theft has occurred, but before it can happen. Protect yourself by recognizing that as individuals it is up to you to protect your property and not leave it to a farcical governmental agency. Since the end never justifies the means, revenge cannot exist if man is to be 'civilized.'"

**ALYN WOLF:** "Sometimes the pursuit of freedom seems so hopeless. I mean you and I and certain others know where we're headed, but the inertia is strong. Perhaps the infinite reaches of space will help overcome that inertia. Here's three notes from Al — a note note and a bank note and a musical note. Gadzooks! Keep the *Journal* flying."



**AL LOWI:** "Your issue containing that fine and concise, practical and theoretical statement of the 'civilized man' dilemma is particularly appreciated. It lifted me out of my own fatigue with the subject and refreshed my memory of the elegant non-national, non-racial, non-political vision of human society I discovered some years back with your assistance . . . I believe with Spencer Heath that the discovery of the 'vision of beauty' conjured up by the projected 'free society' is fundamental to its evolution and unfoldment in reality." 

# A FREE SOCIETY IS BUILT ONE BY ONE

How, then, are we to move in the direction of a free society, if government cannot be used?

What is needed is not another election but new education. The single merit of the political process is that it is a method which includes education. Unfortunately, political education is much too costly and much too slow. And it creates a false image of the libertarian position. For the political process inevitably must convince the vast number of Americans that libertarians are just another group seeking power. Worse, that their platform is even more extreme than that of conservatives; and the conservative position is not popular.

Government is a strange and complex instrument which must be understood if it is to be dealt with successfully. While there are more factors than the two I will mention here, these two are basic. Government must hold a monopoly of the power to coerce. But secondly, government must win the approval of the very people it proposes to injure.

This second factor is properly referred to as "sanction." But it is a special kind of sanction that no one has illustrated better than Ayn Rand. In her novel *Atlas Shrugged* she calls it "the sanction of the victim." In short, government is more than force. It is an agency which wins the approval of the people. And not just the people who are to be benefited. It must win the approval and applause of its own victims. This is always government's achievement — and its achilles' heel.

When it comes to force, government has it. But government, additionally, must obtain your sanction. And while it would be total folly to attempt to use force against the government, or even with governmental help, to use it, it is not folly to withdraw your sanction. Without it, government cannot survive.

How does one go about withdrawing sanction? The first thing to be understood is the level of one's own competency. You cannot compel others to withdraw sanction. But you can withdraw your own. To encourage others to withdraw sanction requires, first, your belief in a free market. You cannot believe in a free market and in the processes of voluntary exchange unless you understand them. Theoretically, at least, libertarians have a head start in this area. Nearly all of them, except those who have moved into the libertarian fold from the far left, have some knowledge respecting the market.

But the belief in the market must be more than a blind faith. Economic knowledge must be obtained. Fortunately, there are some excellent books available here and the list is extensive.

But there is something more. In seeking to

reach understanding of the market, a consistent position must be sought. All too frequently, well-intentioned "libertarians" begin advocating a free market from a position of compromise. They will assert that they favor a free market, *but* they want the government to provide protection. Or they want a free market, but the government must provide the highways. Or the schools. Or the libraries. Or tariff walls. Or price controls. Or limits to profits. Or restraints against monopoly. And so on. These persons, although they fancy they are in the libertarian position, are undermining it. Although they are unconscious of their betrayal, what they are saying, in effect, is that a free and uninhibited market can manage the mom and pop grocery, but when a truly major problem arises, such as flood control, or land conservation, or pollution, government must be called in. Their advocacy, while well intentioned, adds up to this: "Government is far more efficient in getting things done than the market, because people have to be coerced to get anything done." If, in fact, government can manage the difficult, large areas better than a free market, then, clearly and logically, we should turn everything over to the state. That agency which can be trusted with the difficult, certainly could be relied upon to do the simple and easy.

When an individual finally glimpses the truth: that the market that is free can and will provide *everything* that is constructive and worthwhile and do it more efficiently, more morally, and with greater abundance than any other method, then he becomes capable of helping to convince others.

In helping to convince others, the next step is to set the example. First, become self-supporting. If you verbalize the merits of a free market but you are demonstrating by your own actions that you are down-at-heel, impoverished, and incapable of earning a living, your own condition gives the lie to your protestations. What you are will always speak more loudly than what you say.

Next, make certain that you are receiving no help from government in any way. When you champion a free market from the haven of a subsidy, a government job, a welfare check, a G.I. grant, Social Security, or some other financial plum made available to you, your claims to the merit of a free market have a hollow ring.

And here is one place where you can find keen pleasure. When the government offers you a benefit, turn it down. This is so astonishing to bureaucrats that they can hardly believe it. The government is counting on your lack of integrity; on the belief that you will do anything for a buck. When you earn your own way exclusively, and reject all offers of political help, you move into a kind of free

society at once.

A note should be made at this point. You cannot at this precise instant reject *all* government. The feds as well as state and local satrapies have so networked the land with multitudes of regulations and grand and petty theft that purity is impossible. But this does not mean compromise. Just as I recommend that you do *not* aim a gun at the thief who waylays you in a dark alley, so do I recommend that you do not aim a gun at the thief who comes in political garb. When any bandit, legal or otherwise, has you in his sights, it is wise to submit. It may not be fun, but it is wise. When the government gives you no choice, I recommend obedience. I see small merit in martyrdom. Thus, since there are no roads but government roads, don't become a hermit. Use them. Government has secured a gun-run monopoly on roads. You must use them or die. However, if a competing network of roads emerges, go market. If the government forces you to buy insurance, buy it. If none is available in the market, take what the government forces you to take. At the same time, make it clear that you are obeying because you are under the gun. But when a choice arises between government insurance or private insurance, go market.

Remember, you are trying to withdraw sanction, not wage a war. In a contest employing force, the government at this juncture will invariably win. Don't deceive yourself. In seeking a free society, libertarians are tacitly moving toward a society in which coercion is absent. You do not achieve the free society by other than non-coercive methods. Let coercion remain in the hands of government. You have a more potent device. Sanction. And sanction is of such character that it cannot be forced from you.

A victim of a criminal act (legal or illegal) is not sanctioning the crime. He is merely the unhappy victim. But when you benefit because you accept from the criminal some of what he has wrested from you or others, then you sanction. And that is voluntary approval.

Finally, you can refrain from participating in any political process. Indeed, at the moment, the so-called Libertarian Party could provide a marvelous assist in the cause of liberty. They could, en masse, de-register as voters. A rejection of the process by means of which some gain power over others, would be a positive step in the direction of non-sanction. And a few thousand acting in concert here could start a real sweep.

If you wish to do more, you can write to those who claim to represent you and ask them to remove your name from their list of constituents. The League of Non-voters has a card designed for this purpose. Or you can devise your own. Tell your so-called "representative" that you are sorry you voted for him — or that you didn't and therefore he cannot claim you as a constituent.

I have explained these steps on many occasions.

I know the reaction from those who disagree. I am told that what I propose takes too long; that it would require total agreement among all, and that such agreement can never be had. Or I am told that what I propose is far too difficult to be undertaken.

My response is this. If what we had to do was easy, it would have been done long ago. Of course it is difficult, but it is fast. Speed accompanies this process for by it, there is no reaction. No one sets himself free until he is ready to do it. Thus, no coercion is employed. Bear in mind that if libertarians were capable of swaying multitudes to vote "libertarian," some other paladin can and will appear later to sway them back again. Also, it is not necessary that all approve. You set *yourself* free when you support yourself in the market and abjure government help. You set yourself free when you break all volitional ties to the state. And you sanction freedom and withdraw your sanction from any instrument of violence.

By this process, a free society emerges one by one because there will be a growing number of persons who stop preventing it.

H. G. Wells championed ideas of education rather than those of revolution. When he was bitterly opposed by those who said the process took too long, his response is one that I can recommend. "Civilization has always been a race between education and chaos. And although this requires education, what is quicker?"




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**"The Chinese legal system, beginning in history before B.C. 2500, is the only old one that survived continuously for a period of more than 4,000 years." — John H. Wigmore, *A Panorama of the World's Legal Systems*, 1928**

"In the following passage, legal scholar George Padoux (preface to *Leang Ki-tchao*, 1926) summarizes the general philosophy of life that underlay the Chinese system of law and justice. 'Since the dawn of its history, China has believed in the existence of a natural order of things, or law of Nature, including all parts of the universe and adjusting them harmoniously with one another. This order of Nature was not made, it exists and is its own reason for existence. Humanity is a part of it, and must conform to it. . . . This natural law does not yield precedence to positive law, i.e., laws representing human experience and wisdom. . . . A Chinese will regard as binding a rule promulgated even by doubtful constitutional authority if he deems it conformable to "the edicts from on high"; and *he will deem himself free to disregard it if he finds it in discord with the natural law*. The notion will not (please turn the page)

### CHINESE LEGAL SYSTEM

(continued)

occur to him that the same act can be permissible or forbidden, good or bad, just or unjust, independently of its intrinsic moral quality and solely because the holder of political power has so labeled it. Thus the almost religious respect for positive law, marking our occidental civilization of Greco-Roman origin, does not exist in China. A consequence is that the positive law is observed only so far as it has

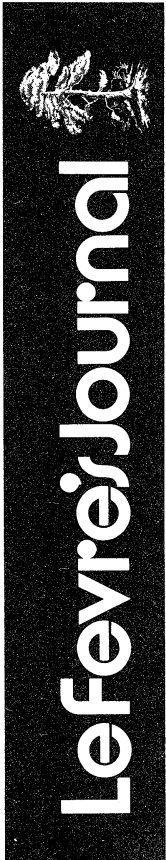
received the effective assent of the community, i.e., has been consecrated by custom. . . . The magistrate, for the Chinese, is a friendly arbitrator, rather than a dominating authority bound to declare the law and to secure its respect. In the current practice of the interior districts [1920's], a court decision in a civil case is executed *only when the losing party signifies his acceptance of it; for it would be contrary to natural law to use compulsion on a free mind.*' " (Emphasis added.)



遵照嘉慶六年奉  
工本浩繁每部發  
部頒行續纂并增修近年條例 價銀三元八角

# 大清律例重訂

*And A Happy New Year, Too!*



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*Lefevre's Journal* is published every quarter, approximately, in Orange, California. It is not for sale, but is supplied to those who are dedicated to human liberty when those so dedicated make it possible.

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