

RAMPART JOURNAL

OF INDIVIDUALIST THOUGHT

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RAMPART JOURNAL of Individualist Thought

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Columbus Day-1892

by Erica Carle

A graduate of the University of Wisconsin, majoring in occupational therapy, Erica Carle has been recreation director for the Goodwill Industries in Milwaukee, and director of home talent productions for the Empire Producing Company of Kansas City, Missouri. For several years she has written radio and television scripts and worked on production for a Minneapolis advertising agency. Articles by Mrs. Carle have been published in *The Freeman* and *Christian Economics*. The mother of three children, she attended the Freedom School in 1961, and participated in the 1965 Workshop.

Columbus Day—1892! Millions of American public school children and their parents, unaware of the full import of what they were doing, participated in one of the greatest socialist promotions ever conceived. Socialism was being launched by its intellectual backers into a truly popular movement. Yet, had the word “socialism” been uttered on that day, those same parents would have recoiled in horror.

Many had read about socialist agitations and anarchist violence; but the philosophic ramblings of socialists interested very few busy Americans. Nevertheless, philosophers and politicians had been thinking about, talking about, and writing about various means of eliminating private ownership, equalizing wealth, counteracting individualism, and establishing world government.

The inspirational “father” of many American socialists was a French philosopher, August Comte (1798-1857). One of Comte’s important contributions to socialist thinking was the concept of Humanity, conceived as a kind of personality — the Great Being. This Great Being was to Comte and his followers the new God—embodying a new religion, the Religion of Humanity, whose pur-

pose was to promote to the greatest possible extent the victory of social feeling over individualism. The duty of individuals was to serve the Great Being. The Great Being, in return, shows the "truest sympathy towards all its servants."¹

Humanitarianism, like socialism and communism, demanded the suppression of individual personality — leaving an individual without value apart from Humanity—the Almighty Personality.

Among those who were profoundly influenced by the ideas and the religion of August Comte was the writer Edward Bellamy. Although the son of a Baptist minister, by the time he reached manhood Bellamy had abandoned the traditional individualistic religious ideas which respected private ownership, and developed his own Comte-inspired system, which he called the Religion of Solidarity.

In the 1870's, the early years of his writing career, Bellamy was employed as a literary critic. During the time he was thus employed, he read and reviewed the works of nearly all the socialist and communist writers of his time. He detected a need which had not been filled. Socialism, he believed, had to be Americanized, and made to appear more attractive if it was to appeal to people who were revolted by coercion, war, and violence.

Edward Bellamy applied his talents to fill this need, and in 1888 produced *Looking Backward*, a fiction depicting a generation of people supremely content in their abandonment of individual personality. It was the story of a young man, who, in a hypnotic sleep, slept away more than a century. On awakening in the year 2000, he finds society has been completely transformed. People are no longer victims of the "insanity of individualism." All are equal, working in a vast industrial army with equal government-provided incomes.

Children are no longer dependent on their parents for sustenance and education. They, therefore, have no reason to regard their parents as more deserving of love than any other citizens. All children are provided for by "society" or the social body. This loosening of the bonds between parents and children, according to Bellamy, eliminates a great cause of unhappiness—freeing parents to develop intellectual and aesthetic sympathies: "No man any more has any care for the morrow, either for himself or his children, for

¹"Comte," *Encyclopaedia Britannica* (Werner ed., 1906), VI, 204-12.

the nation guarantees the nurture, education, and comfortable maintenance of every citizen from the cradle to the grave.”²

Women in Bellamy's society are no longer plagued by the unfair “double standard,” but are encouraged to accept complete freedom in their intimate relationships. Although Bellamy does not openly advocate the mass breeding festivals and ignorance of parents as to the identity of their own children described in Plato's *Republic* (Book V) he believed men should not be allowed to provide for, and therefore monopolize, their women. Bellamy condemned family ties with exclusive relationships between the sexes.

Knowing the unpopularity of the terms “socialism” and “communism,” Bellamy did not use them. Instead, he called his system “nationalism.” Today the term nationalization communicates his meaning to us, for he meant the gradual transfer of economic activity to government control or ownership; and the solidarity of all the world's people into one social body—a brotherhood of equals, with equal government-provided incomes.

Shortly after *Looking Backward* was published, enthusiasts began to form themselves into clubs to promote, in fact, the “ideal life” which Bellamy had presented in his fiction. More than 150 such clubs were formed within the next few years. They went by the name Bellamy Clubs or Nationalist Clubs.

The nationalists advocated measures which Bellamy said would, by evolution, transfer control of economic facilities to government hands, working toward a gradual realization of his society of interdependence and equality. They supported and influenced the platform of the People's Party in 1892, and had an increased political effect as time went on; advocating measures which would, by evolution, transfer control as predicted.

First would come control of railroads, telegraph, and telephone; municipal ownership of public utilities; and work for the unemployed on public improvements in times of depression. This limited government control was not to be regarded as the final goal, but merely the first and easiest steps in the transfer of all economic activity to national ownership, and later international control.

To establish the fact that individuals belonged to the nation and existed to serve the nation, nationalists advocated increased and more varied public education. They insisted education be made

²Edward Bellamy, *Looking Backward (2000-1887)* (Modern Library ed.; New York: Random House, 1951), p. 70.

compulsory — thus placing the state above the parents in determining the future of their own children; for Bellamy knew—as did Karl Marx, earlier American socialists, and Plato before them — that his ideal state could not be established and maintained unless education was socially controlled and tax-supported.

Great inroads, stimulated by socialists, had already been made along this line throughout the 19th century. Hundreds of successful private educational efforts had been taken over by various governmental bodies. Many other private institutions had been regulated out of existence. Still others among the religious and private schools found it economically impossible to compete with tax-supported institutions.^{3, 4, 5} Almost half the states had usurped parental rights with compulsory education laws.

Despite these facts, public sentiment had not fully accepted a system which placed one man's property in jeopardy to educate another's children. All states had not yet claimed social rights above parental rights through compulsory education laws; and, even in tax-supported schools of the late 19th century, children were generally taught to depend on themselves and trust in God, rather than to depend on "society" and trust in government.

This teaching ran counter to Bellamy's "Republic of The Golden Rule," and he knew his revolution would not succeed unless moral justification could be contrived: "A great revolution, you must remember, which is to profoundly change a form of society, must accumulate a tremendous moral force, an overwhelming weight of justification, so to speak, behind it before it can start."⁶

³Erica Carle, "Education Without Taxation," *The Freeman*, March, 1962, p. 48.

⁴James D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789-1897* (Washington: Government Printing Office, 1896-99), V, p. 546, message of Buchanan to House of Representatives, Feb. 24, 1859: "This bill [refers to Land Grant Act] will injuriously interfere with existing colleges in the different states . . . These institutions of learning have grown up with the growth of the country, under the fostering care of the states and the munificence of individuals to meet the advancing demands for education . . . Many, indeed most, of them are poor and sustain themselves with difficulty. What the effect will be on these institutions of creating an indefinite number of rival colleges sustained by the endowment of the federal government is not difficult to determine."

⁵*Milwaukee Journal*, July 24, 1963, article on Thomas Wentworth Higginson, a nationalist: "At war's end he joined his long invalided wife in Newport. Here, as a school board member once more, he fought to close the two charity schools for colored children and to send them on an equal basis to the public schools."

⁶Edward Bellamy, *Equality* (New York: D. Appleton and Company, 1912), p. 329.

Part of that necessary justification was fabricated on Columbus Day, 1892.

Among those who supported and promoted nationalism and understood its implications was Edward's cousin, the Reverend Francis Bellamy, who was himself a writer. He was enamoured of socialism and also possessed the ability to seduce his readers into agreement.

In 1892, the 400th anniversary of Columbus' discovery of America, Francis Bellamy was a member of the editorial staff of a popular magazine called *Youth's Companion*. Someone at *Youth's Companion*, perhaps Bellamy, conceived the idea that Columbus Day would be the ideal occasion to promote tax-supported schools. The *Companion* contacted President Harrison and lobbied in Congress, and on August 18, 1892 announced:

"At the close of June last an act was passed by Congress which authorized the President to issue a proclamation recommending to the people of the whole country the observance of the 21st of next October as a holiday, in commemoration of the four hundredth anniversary of the discovery of America by Columbus . . ."

"In the act of Congress which authorized the President to proclaim this anniversary as a public holiday, it was provided that he recommend that the people observe the day 'by public demonstration and by suitable exercises in their schools and other places of assembly.' The mention of the schools in this act was appropriate, because the active movement for the general observance of the day has proceeded in an especial way from the projected public school celebration of the day, which *The Companion* is very glad to have organized and encouraged . . ."

"It is a movement which has the patriotic intention to bring to the front the American public school as the worthiest fruit of the discovery of America and the establishment of a great free republic on this continent."

There seemed, to patriotic Americans, to be nothing in the celebration to cause alarm. To them, it was as represented, a great patriotic event. Since Francis Bellamy was chairman of the executive committee which planned the event, his views on the meaning and duties of national life, and his expressed devotion to socialism, can best confirm the purpose of the celebration:

"The nation is not a mass of independent individuals, but of related individuals, who, moreover, are so closely related that they make together an *indivisible* organism; this organism develops ac-

⁷*The Companion* explained the 21st was chosen because of the inaccuracy of the old Julian calendar.

cording to orderly laws; this organism has perpetuity, never disjoining itself either from its past or future; and the organism has also self-consciousness and moral personality. This is the nation in which we live, and move, and have our being . . .”⁸

“Democratic government, however socialistic it may become, is nothing but democracy expressing its own will. If the individual is led to surrender certain of his freedoms for the good of all, he surrenders to a paternalism of all the people. That were better called, once for all, a fraternalism. Socialism aims to produce an environment where not only the Golden Rule, but the Law of Love will have a living chance.”⁹

“Socialists believe in the fearless extension of government because they have a clear and high idea of the nation as an organic relationship apart from which the individual cannot realize himself. As the nation becomes more self-conscious, it perceives more clearly its own responsibility for the development of each individual . . .”¹⁰

The uniform program supplied by *Youth's Companion* for use by individual schools participating in the National School Celebration of Columbus Day appeared in the September 8 issue, and was signed by Francis Bellamy, committee chairman.

Individuals from one end of the country to another memorized and repeated Bellamy's words in the program — never realizing their feelings were being subtly changed from a love of country or homeland because it was theirs and they were free, to a serf-like sentiment of belonging like obedient children to the fatherland.

“We look backward, and we look forward,” they said. “Backward we see the first mustering of modern ideas . . . we watch the growth of institutions out of little beginnings — schools becoming an educational system; meeting-houses leading into organic Christianity.”

Did any know what was meant by “organic Christianity”?

“We look forward. We are conscious we are in a period of transition. Ideas in education, in political economy, in social science are undergoing revisions.”

What revisions? Did they ask?

“We, therefore, on this anniversary of America present the Public School as the noblest expression of the principle of enlightenment which Columbus grasped by faith.”

“We, the youth of America, who today unite to march as one army under the *sacred* flag, understand our duty. We pledge our-

⁸Francis Bellamy, “Tyranny of All the People,” *Arena Magazine*, July, 1891.

⁹*Ibid.*

¹⁰*Ibid.*

selves that the flag shall not be stained; and that America shall mean equal opportunity and justice for every citizen, and brotherhood for the world.”

Most of the program of the National School Celebration of Columbus Day has long since been forgotten. The record of local participation can be found only by digging in the files of newspapers which existed at that time. The President’s Proclamation, the address, the “Ode for Columbus Day,” the “Song of Columbus Day” are never heard. The name Francis Bellamy is virtually unknown; but one part, with slight alteration, remains to this day. For the first time on Columbus Day, 1892, millions of American school children spoke the creed of Bellamy’s Religion of Solidarity. Millions of American school children acknowledged they were no longer individuals, but members of an indivisible social body. They spoke without thinking or analyzing:

“I pledge allegiance to my flag, and to the republic for which it stands—one nation, *indivisible*, with liberty and justice for all.”

The words sounded inspiring. The programs were well-planned and impressive. Without knowing it, those who participated had abandoned themselves as individuals to become part of an indivisible organism . . . a “union of states, and union of souls.”¹ Liberty, to them, was not a natural or God-given right, but one granted by the “nation indivisible.”

By this means, tax-supported schools were covered with a sacred mantle. Our beautiful symbol of liberty and independence became the sacred object of social control to lead us into socialism and a future government of the world. The flag no longer belonged to the people—the people belonged to the flag; and the children belonged to the state.

Parents after that day more willingly turned their children over to “society” to be educated, regulated, directed, dedicated. Parental rights were exchanged for an infinitesimal voice in the social control over all children. Once individual rights as parents were abandoned by granting to the state the power of decision and privilege of carrying out the training and educating of children, it was easy to rationalize justification for increased state dictatorship over material goods. Once the children came under political command, the nation

¹From the “Song of Columbus Day” by Theron Brown which was part of the Columbus Day program.

was numbed to socialism. No loss of material goods can matter quite so much.

It will not be easy to find the road back. It may take years for all of us to reclaim our full God-given rights as individuals and parents—to again supervise and direct the growth and education of *our own* children. Yet, every year more parents are again taking hold by placing their own children in good private or religious schools. And some of us when we see the flag, instead of pledging our lives to its fabric, think of it as it was once meant to be — a symbol of liberty, property, and independence — the glorious banner of a free America.

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A Challenge to Libertarians

by Robert Clancy

Robert Clancy has been director of the Henry George School of Social Science since 1948. He began study with its founder, Oscar H. Geiger, in 1932. He was associate editor of the magazine *Land and Freedom* from 1940-1942. A self-designated "amateur artist," Clancy published in 1954 a set of illustrations for the classic *Progress and Poverty* by Henry George.

His "Challenge to Libertarians" is in response to "A Challenge to the Georgists" offered by Robert LeFevre in the summer, 1965 issue of the RAMPART JOURNAL.

Robert LeFevre's article, "A Challenge to the Georgists," while very critical, has some features that appeal to Georgists: first, he did pay considerable attention to us, and we prefer that to being ignored; second, he took the trouble to examine the subject, which means a great deal to us who are so accustomed to uninformed criticism; and third, he did credit us with espousing the libertarian philosophy of a free society.

However, though he counts us among the libertarians, Mr. LeFevre's first criticism is that we are inconsistent; that we believe in freedom "except" with respect to land and its rent. We do not see our philosophy as an exception to the rules of freedom, but rather as the only way freedom can be consistently maintained. We do not say "freedom is good, *but*"; we say "freedom is good, *therefore*." So we are not "exceptionists."

Mr. LeFevre sees the Georgist theory as a logical extension of the Marxian theory, and quotes one of the points in the *Communist Manifesto*: "Abolition of property in land and application of all rents of land to public purpose."

In spite of the seeming resemblance, Henry George did not "logically extend" Karl Marx, and he knew little or nothing of Marx's work when he wrote *Progress and Poverty*. As for Marx, when he heard of George's idea, he sharply rejected it, and said that the rent proposal of the Manifesto was simply "among other transition-

al measures, all of which, as stated in the Manifesto, are, and of necessity must be, full of contradiction." Marx went on to denounce George's single tax as an attempt "*to rescue the rule of capitalism; in fact, to rear it anew upon a firmer basis than its present one.*" (If we are looking for resemblances, we might note in passing that Marx shared the stubbornness of those conservatives who refuse to separate land from the category of wealth and capital.)

George is rather a logical extension of the classical economists—the Physiocrats, Smith, Ricardo, Mill, etc.—who advocated free trade and a free market economy, and who also understood the special nature of land and its rent. They pointed out that the interests of the landowner are opposed to the interests of the productive members of society; they recognized that land rent is an unearned income; and they showed that the taxation of rent does not interfere with production.

George carried the work of the classical economists to its logical conclusion. Economists thereafter rejected this culmination and perhaps we have their defection to thank for the present chaotic state of economic thought.

George put his proposal into this form: "Abolish all taxation save that upon land values." This became known as the "single tax." It is baffling to see Mr. LeFevre say that under the single tax, "the land remains in the ownership of the state" in the same sentence (p. 28) in which he refers, in a footnote, to a passage from *Progress and Poverty* where George says: "I do not propose either to purchase or to confiscate private property in land . . . The form, the ownership of land would remain just as now. No owner of land need be dispossessed, and no restriction need be placed upon the amount of land anyone could hold."

Nor did George propose that the state dictate the use of land, which would be left to private enterprise. And the state would not arbitrarily decide what the value of land is, as Mr. LeFevre thinks. The purpose of the assessor would be the same as now—to *find* the value of land, not to *fix* it.

Mr. LeFevre speaks of a "dichotomy" in the single tax, as follows: If the individual can use his land any way he wants, then one thing he can do is sublease, thus leading to "land speculation" all over again. If he is not allowed to sublease, then all business relating to subleasing would disappear, and the state would have to conduct that kind of activity itself.

The above "dichotomy" is based on a misunderstanding, surprising in view of the study Mr. LeFevre has made. The "state" (actually the unit of government that is doing the taxing—in most cases, the municipality) is, under the single tax, concerned mainly with collecting the full rent of land. The government would not even insist that the land be fully utilized. The single tax is a self-regulating device. It is simply presumed that when a person pays the full economic value of anything, he will want to get his money's worth. Whatever he does with his land, he has satisfied the rights of the community when he pays his tax on land values. As for subleasing, if he does pay the full rent to the community, he is not going to profit from subleasing, as there is no further increment from the land that can be privately collected. If he is subleasing land at a profit, that is an indication that the full rent is not being publicly collected, and the remedy is quite simply to raise the assessment to meet the economic value.

As for those businesses which depend upon subleasing, Mr. LeFevre is here confusing precisely the two things that the single tax separates — the land, and the improvements on land. Apartment houses, hotels, and motels are improvements, and they can certainly be built and leased by private enterprise with our blessings. The returns for capital investment (economic interest, not rent) and for services (wages) will go as they should, to the persons making available the capital and services—completely untaxed. That part which represents the rent of land is to be turned over in taxes to the community.

We fully recognize the role of speculation in commodities in maintaining the equilibrium of the market. But when Mr. LeFevre tries to say that speculation in land has the same effect, he comes up with some odd results. He concedes some validity to the Georgist argument that land is fixed in supply, but notes exceptions in the case of reclaimed land. Such reclaimed land belongs in the category of wealth in our lexicon. Mr. LeFevre drops the matter there when the problem has been scarcely touched. The main activity of land speculation is in areas where the land *is* fixed and the population is increasing. Land is demanded in a particular area, and the holder of such land has a unique monopoly. Even if somebody produced a floating island somewhere else, it would not answer the purpose. The key to the problem is *location*, and increased rent is due to favorable location, with rents diminishing proportionately with dis-

tance from that location. This is important to bear in mind—that it is not so much a matter of land *area* (of which there is plenty in Alaska and the Rockies), but of desirable location and land *value*.

The speculator does not “restore balance.” If he prevents land prices from falling to zero, what kind of service is that? When land goes up in value, he simply demands all he can get—usually more, holding land out until he can get his price. A potential land user might otherwise be able to acquire land more cheaply. What kind of service, or balance, is that? A bandit might in the same way establish a toll gate on a highway, and the same arguments about services, balances, and rewards for foresight, could be used.

Mr. LeFevre also dismisses too lightly the argument that population growth enhances land values, with the observation that, in that case, China and India would have the highest land values—and he leaves it at that. As a matter of fact, crowded Hong Kong has land values that are among the highest in the world. Land values depend upon both the presence and activities of population, and a more productive population will give rise to higher land values. Mr. LeFevre has only to check any community around him, and note parallel trends of population and land values.

In endeavoring to show that land value is not socially created, Mr. LeFevre states that value is subjective and arbitrary. Insofar as “value” can have any meaning in economics, it is as exchange value; hence economic value has an objective existence in the market place. Where there is an exchange of labor-product for labor-product, there is a quid pro quo exchange. The value of land, however, depends solely on the number of people bidding for exclusive possession of a piece of land, and is thus certainly a social value.

Mr. LeFevre predicts some dire consequences if land value taxation is adopted — the discouragement of improvement and beautification, the building of flimsy structures, etc. If it cannot be seen, *a priori*, that taxation of land values and untaxing of improvements encourages a better use of land, there is no need to guess or worry. There are examples of communities which tax land values only and not improvements (in Australia, New Zealand, parts of the U.S., and Canada, etc.), and in all cases, improvements have been encouraged. Though we do not advocate it, there are even examples of cities on government-owned land leased to private parties with-

out the dire consequences imagined by Mr. LeFevre. Canberra, the beautiful capital city of Australia, is one example. Another is Hong Kong, which has been hailed as a model of free enterprise in more than one libertarian magazine.

Mr. LeFevre also imagines that if the state would only shake off what recognition there already is of the common right to land (through eminent domain and partial taxation of land values), then all would be well — “land would be safe, owners of land would be safe, and maximum best usage of land would be encouraged.” Here, too, if the *a priori* argument will not serve, we can find examples of Mr. LeFevre’s ideal. Most Latin American countries still abide by the Roman concept of absolute private property in land. The land-owner is lord and master and stands above the government. Land values are not taxed. The result is a small, wealthy, dictatorial oligarchy, with the rest of the people very poor, a backward feudal-type economy with badly utilized land, and general economic distress. There are isolated bright spots, such as Costa Rica, where land values are taxed. The North American system derives from the Anglo-Saxon concept of common rights to land, with the private holding of land conditional upon the rights of the people as a whole — with eminently better results.

As for the monopoly attendant upon owning a painting by an old master such as Rubens, I happen to own a painting, not by Rubens himself, but probably from his workshop. I even hope it goes up in value, and Mr. LeFevre will be pleased to know that I feel no guilt about this. The painting is a result of labor, and its connection with its producer can be traced through a succession of sales, and perhaps gifts. The ownership of land cannot be traced to a producer. Further, as Winston Churchill noted of this analogy with land rent, “Pictures do not get in anybody’s way. They do not lay a toll on anybody’s labor; they do not touch enterprise and production at any point.”

Now we come to the crux of the matter: Mr. LeFevre recognizes that to demolish the George theory, he must refute the “labor theory of ownership” — that is, the idea that what a person produces rightfully belongs to him.

Against this, Mr. LeFevre presents another basis: The first comer stakes a claim to land, lays out markers, and announces his claim. Apparently, his precision in marking “his” boundaries, and the loudness of his voice, enhance the validity of his claim. The justification?

"History and experience" indicate that this is a valid process. Mr. LeFevre, who has been arguing so strongly for principles, begins to sound like Hobbes' lawyers "who appeal from custom to reason, and from reason to custom, as it serves their turn."

What about the reduction of slaves to ownership? Mr. LeFevre says (p. 52): "To seek to own another human being is to seek to superimpose a claim over *the primary claim each individual has over himself*" (*italics mine*). He here gives away the case. It is on this principle that a man belongs to himself that the produce of his labor belongs to him—the same principle of John Locke's that Mr. LeFevre had set out to refute! What is the essence of slavery but taking away the produce of the slave?

Yes, Henry George intended his proposal as a remedy for the inequitable distribution of wealth. But this does not mean that land is wealth. The meaning of equitable distribution is that each one gets a return proportional to his contribution of labor and capital. Land rent, being an unearned income, is not proportional to individual effort, and is to be taken by the community for communal purposes. It does not mean that wealth will be distributed by equal shares. It does not even mean that land will be distributed equally. Different people and enterprises require different areas and kinds of land—and they are to have what land they want—provided they pay the rent for it.

What we visualize, thus, is a conditional private ownership of land—that is, conditional upon the payment of rent to the community. Men are to be free in the production and exchange of wealth.

Rent is thus conceived as public revenue, and the concept involves no extension of governmental power or ownership; indeed, government is to be curtailed as, under the full single tax concept, there are to be no other taxes (which Mr. LeFevre does note approvingly). The unlimited power to tax is certainly the fodder that enables big government to grow bigger.

The occasion, the demand, for the big welfare state came during the Great Depression. When Mr. LeFevre praises today's system (p. 58), he should not forget that we are living in an economy largely managed and controlled by government: Workers have unemployment insurance, old age pensions, minimum wage guarantees. Many industries and whole communities look to government contracts as the key source of their prosperity. Keynesian controls, a sharp eye on the stock market, and a paternal checking of big busi-

ness are all part of the set-up. Some libertarians chafe at this. Many others have adjusted nicely to it, but still feel obliged to make speeches against it at luncheons. Most of the people want it, and wouldn't go back to the old way.

We Georgists are not at all satisfied with the present system, recognizing it as a series of measures that encroach upon individual liberty, and palliatives that treat the symptoms, instead of getting at causes. But we also realize that it all grew up as an ignorant response to economic distress. We want liberty and we also want to solve the economic problem. Libertarians want liberty, but their solution to the problem of poverty is usually to deny the problem. This is not going to advance the cause of liberty.

Colombia had a dictator a few years ago who was deposed, but is now gaining in popularity and may be recalled to power. When a man in the streets was asked why, he replied: "Under Rojas we couldn't speak, but our bellies were full. Now we can speak, but our bellies are empty."

Unless this dilemma can be solved, the future of liberty is not bright. The Georgist philosophy holds the key to the solution of the economic problem in a way that is consistent with the philosophy of freedom. This is our challenge to libertarians.

The Public Utility of Profits

by Carl Snyder

The following article is reprinted from *Capitalism the Creator*, by Carl Snyder (New York: The Macmillan Company, 1951), IX. The editors and The Macmillan Company have made every effort to obtain permission from the executors of Mr. Snyder's estate, who hold the copyright, but have been unable to locate them. The RAMPART JOURNAL has changed the copy only to the extent of correcting grammatical errors that appeared in the first printing.

Business Organization and Production

It is not labor, as even Ricardo held and as Marx so fanatically believed, that is the "source of all wealth," save in the most indirect way.¹ So long as everything was made by hand this dictum was largely true. But even from the earliest times other factors came into play; for example: organization, the division of labor. As soon as a gang or group could do a job in less time and with less labor than the same number separately, the factor of organization came to play a leading role, growing in importance ever since.

Capacity for organization, the ability to get along with other men, the foresight to plan and manage is rare, and paid accordingly. Likewise, it is noteworthy that these managers—business executives—are paid more or less in close relation with the size of the busi-

¹"Possessing utility, commodities derive their exchangeable value from two sources, from their scarcity, and from the quality of labour required to obtain them." David Ricardo, *Principles of Political Economy and Taxation*, I. Similarly, Marx, who borrowed heavily from Ricardo, wrote: "... that which determines the magnitude of the value of any article is the amount of labour socially necessary ... for its production." (Karl Marx, *Capital* [Kerr ed.].) Ricardo, of course, hedged considerably on the labor theory of value, limiting its universality to "the early stages of society," and then stating that value depends "almost exclusively" on embodied labor. Ricardo realized that the use of capital and the necessity of profits prevented labor from being the source or measure of value. Ricardo did say that "in every state of society, the tools, implements, buildings, and machinery employed in different trades may be of various degrees of durability. ... this difference ... introduces another cause, besides the greater or less quantity of labour necessary to produce commodities, for the variations in their relative values."

ness.² It is easy to see why. The total of their salaries expressed as a percentage of the net earnings is not large—a matter of two or three per cent—but obviously the salaries paid on this basis by a corporation with a business of a billion dollars a year would be onerous to another of fifty or a hundred millions. For this reason, a large enterprise can command a higher grade of business talent and capacity than smaller enterprises.³ This is not always true; boards of directors and owners of enterprises may make mistakes in judgment, quite like ordinary people. Thus, much abler executives are occasionally found in smaller enterprises, but not as a rule.

Consider the inevitable effect if it were. If the majority of the competent men were at the head of the smaller companies, the latter would soon take the business away from the larger, and in time their positions would be reversed. This does happen from time to time. Older companies come to be affected with a kind of dry rot. The vigor and foresight that built them up disappear. And this gives the smaller enterprises their opportunity. Whole industries may be affected by a decline in the energy and ability of their managers. Up to ten or twenty years ago the steel industry in the United States and Great Britain was making little progress, measured either in the volume of output or in the quality. But steel makers in other countries like Germany were spending large sums on research and experimentation, and producing new kinds of steel—high-speed tool steel that will hold its cutting edge while it grows red hot; stainless steels, and others. Now we have almost a new industry. Perforce, of the fierce competition in different countries, something similar was going on here. Smaller, more enterprising companies were making sharp inroads on the larger. The latter were forced to adopt the same methods, and to find more capable executives to put these methods into effect. To get these men they had to pay higher salaries.

If "labor were the creator of all wealth," how absurd all this would

²Although not in direct proportion to the size of the business. Cf. Alfred Marshall, *Principles of Economics* (8th ed.; New York: The Macmillan Co., 1920), pp. 613-14.

³An interesting statistical analysis based upon the figures of the Securities and Exchange Commission demonstrates a high degree of correlation between the per cent profit of business and the salary of the highest paid executive. See B. T. Beckwith, "The Relation of Top Salaries and the Profits of Manufacturing Companies," *Southern Economic Journal*, October, 1939, and J. C. Baker, "Executive Compensation Payments by Large and Small Industrial Companies," *Quarterly Journal of Economics*, May, 1939.

be. And how needless. Who would pay salaries of fifty or a hundred thousand dollars to executives if there were a plentiful supply of capable managers at the wage rates of workingmen? No one. Clearly, such salaries are paid because the contribution of these executives is worth their hire.⁴ Even if the industries and the companies were owned by the workers themselves, they too, if they understood their business, would pay these same salaries and be glad to have the managers. Why? Simply because their labor, time and effort, competently directed, with better planning and management, would yield a larger return to the worker, than if they selected less able leaders at lower salaries.

The idea that high salaries and bonuses are a "scandalous" part of an unjust economic system is, I believe, part of a wide misapprehension. The Soviet government in Russia began as a supposedly communistic state, that is, giving approximately an equal income to all. After ten years of effort to bring some order out of chaos, Russia turned a new leaf, and has begun to show the effect in its remarkable industrial growth. Where is the "communistic state"? On the testimony of Max Eastman and other competent, first-hand observers, Russia is sadly going the way of all capitalistic flesh: larger and larger salaries to the more competent, bonuses and other inducements to the workers.⁵ And which workers? Those who produce more goods! In a word, this very interesting experiment in Russia, begun by theorists, revolutionaries, and dreamers, is taking on the methods and introducing the inequalities of reward to be found in a capitalistic society.⁶ What they have today is a scheme of governmental enterprise, of "state capitalism," that in method and spirit, in its ruthless demand for product and in inducement to

⁴"Profits," said Walker, "are the creation of the businessmen that receive them. This surplus, in the case of any employer, represents that which he is able to produce over and above what an employer of the lowest industrial grade can produce with equal amounts of labor and capital. In other words, this surplus is of his own creation, produced wholly by that business ability which raises him above and distinguishes him from, the employers of what may be called the no-profits class." F. A. Walker, "The Source of Business Profits," *Quarterly Journal of Economics*, April, 1887.

⁵Max Eastman, "The End of Socialism in Russia," *Harper's Magazine*, Feb., 1937.

⁶Even the wage incentive, which unions have often opposed in this country, has been introduced in Russia. This ancient device to stimulate efficient workers has been introduced in Russia under the name of Stakhanovism. There is an All-Union Stakhanovist Conference, which probably discusses much the same questions as the Taylor Society in this country. The conference first met from November 17 to 23, 1935.

increase output, does not differ in any serious way from the most capably run capitalistic corporation in our highly capitalistic United States.

The system of large rewards to talent for organization and management is clearly not the artificial product of an "artificial" system. Nor can it be abolished with the stroke of a pen. It lies deep in the most pervasive characteristics of human nature, that is, the natural and universal inequalities in talent and capacity. And exceptional talent must always be rewarded to call forth its best efforts. Else we have to believe that organizers do not contribute to production, and that they are not worth the small share of the total product that is paid them for their services.

What then becomes of the ancient fetish that "labor is the creator of all wealth"? The simple fact is that the marked increase in production in the last hundred years is not due to an increase in the personal "efficiency" of labor. The average number of hours of work has been reduced from twelve and fourteen per day a century ago to seven or eight per day in our time. The variety of skills, if not the quality of skill, required of the laborer today is actually much less than that of the artisan of a century ago. Much of the work in modern industry requires a greater degree of ability than was ever required before. This is particularly true of the makers and designers of machines. But the ordinary workingman, even one using delicate and expensive machinery, is seldom required to contribute more than a moderate amount of concentration and dexterity.

Surplus Value and Profits

This doctrine that labor is the creator of all wealth was the foundation upon which Kark Marx built his celebrated theory of surplus value.⁷ The value of a "good," he held, is determined by the quantity of socially necessary labor required for its production. In purchas-

⁷The doctrine of surplus value, derived from Rodbertus, is older than Marx. But even before Rodbertus, Sismondi had used the term *vaux mieux* in much the same sense as Marx later used "surplus value." In England there was a large group of literary liberals—Ravenstone, Gray, William Thompson, Hodgskin, Robert Owen, and others—who believed that any income going to persons other than laborers was an unjust deduction from wages. On the continent, Saint-Simon and Proudhon held that property was the right to enjoy the fruits of labor without working. These men differ from Sismondi, Rodbertus, and Marx in that the latter relate the doctrine of surplus value to a theory of economic value. In recent times, ingenious applications of similar concepts have been developed by Franz Oppenheimer and John A. Hobson.

ing this labor, the businessman does not pay the full value of the product; that is, wages are less than the value produced. The difference is the "surplus value" which constitutes the income of the capitalist and the businessman. Strange that this theory should have held the field so long, seductive even to writers not of socialistic or communistic leanings—the chief basis of attack on the taking of profits by business enterprise. It is perfectly true that in calculating the price of a good the producer adds his profit to the wages he pays, and also the cost of his materials. This no sane writer would deny. The chief error seems to be that they imagine that these profits are enormous, and form a large part of the final cost to the consumer. The facts are the reverse.

A remarkable statement was issued not long ago, by what was for a long time the largest corporation on earth: after nearly forty years of its rather placid existence, we have forgotten the tremendous stir aroused by the formation of the United States Steel Corporation, the first "billion dollar company" in existence. There was a storm of protest, and violent attacks in Congress and out; not to mention the derisive howls of joy from the followers of Marx, who saw therein the long awaited verification of his prophecy, of the steady concentration of wealth and industry into one vast tyranny. Came the ancient and sempiternal tirades against "monopoly," the deathless slogan of the demagogue from the beginning of organized industry.

Reflect then upon the consolidated statement for a ten-year period, of 1928 to 1938, of this monster that had "threatened the very foundations of society."⁸ This period was representative of the steel industry for the past forty years; it included three years of boom, three years of extreme depression, and four of about average business. What do we find? In these ten years, the United States Steel Corporation received from its customers just under seven billion dollars. Where did all this money go? A total of three billions in wages and salaries, over 40 per cent; an unusually high percentage. But it is to be recalled that the United States Steel Corporation is a typical "vertical" combination, that it produces most of its own raw materials, and transports these in its own ships and railways. For this reason, wage payments were a much larger share of the product than in most manufacturing enterprises.

⁸"Ten Years of Steel," Extension of the Remarks of Myron C. Taylor at the Annual Meeting of Stockholders of the United States Steel Corporation, April 4, 1938, p. 48.

What of the remainder? "Goods and services" purchased from others formed another two and one-half billions, more than one third of the total receipts. Taxes, depreciation, and depletion (the corporation is the largest iron mining enterprise in the world) took nearly one billion more, leaving a final net income of 472 million—slightly more than six and two thirds per cent of the total receipts, and less than three per cent of its capital assets. Actually, the company paid out in dividends a little more than this, drawing to the extent of 13 million on the surplus of previous years.

What a menace! One out of every sixteen dollars of receipts taken as profits and paid out to the owners of the corporation, who numbered a quarter of a million stockholders. The ancient story! If *all* profits had been wiped out, who save the stockholders would have known the difference? The public, the fifty millions gainfully employed? Or even the employees of this "monstrous" monopoly?

The instance here considered is unusual, because practically from its inception the United States Steel Corporation has had no increase in its nominal capital. Almost all the huge outlay upon improvements and new construction, amounting to hundreds of millions of dollars, has been financed from the company's earnings. And this has represented no large present gain to the owners. It is astonishing that in the last four years the average market value of the capital stock of the United States Steel Corporation was nearly that of 1902 in the first year of its existence, while the value of the product has risen steadily.

Further: there is much ado over the high salaries paid by our large corporations, and many believe that these form a large proportion of the total of wages and salaries. These two items are not reported separately by the United States Steel Corporation, but several of our largest corporations published such details. The figures disclose that all payments in salaries of five thousand dollars and over, amount to only three or four per cent of the total of wages and salaries combined. And in the item of salaries is included the payment of many clerical workers, whose average salary is less than the average wage. Further, in these corporations the average wage of the worker was approximately the same as the average remuneration in both wages and salaries, including the salaries above five thousand dollars. The high salaries of corporate officers are as insignificant a part of this total as dividends are of the total income of corporations. If all high salaries were abolished, and the

sum diverted to increase the pay envelopes of the workers, they would scarcely notice the difference.

Profits Are Self-Regulating

Often we meet with the phrase "outrageous" profits, or "scandalous" monopoly, favorite themes of the reformatory mind. As far back as we possess any detailed history, there have been laws against usury, laws to limit prices (therefore profits), laws to curb monopolies, laws against combinations in "restraint of trade," probably in every age and every country that has written laws; that is, in the last four thousand years, and for aught we know thousands of years before.⁹ Why this deep-rooted tendency? As if high profits were not only harmful, but also "wrong"; a species of robbery. And so we find in governments of all ages and in our own United States, hundreds of enactments and proposals with this aim. It is easy to see that profits can never long be unduly high; that they are naturally self-regulating, and can never for any length of time much exceed the going rate of interest.

Always we find the highest rates of nominal profits and of interest in the poorest countries, and especially in times when capital is scarce and the rewards of adventure large.¹⁰ Even in England, as late as the seventeenth century, something like 17 per cent was

⁹English history abounds with laws such as that of the 25th, Henry VIII: "Forasmuch as divers and sundry of the king's subjects of this realm, to whom God of his goodness hath disposed great plenty and abundance of moveable substance, now of late within few years have daily studied, practised and invented ways and means how they might accumulate and gather together into few hands as well, great multitude of farms, as great plenty of cattle, and in especial sheep . . . but have also raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs and such other almost double above the prices which hath been accustomed . . . it may therefore please the King's Highness of his most gracious and godly disposition, and the Lord's Spiritual and Temporal of their goodness and charity, with the assent of the Commons in this present parliament assembled, to ordain and enact . . . that no person or persons from the feast of St. Michael the Archangel which shall be in the year of our Lord God 1535 shall keep, occupy or have in his possession in his own proper lands . . . above the number of 2,000 sheep." For many such laws see A. E. Bland, P. A. Brown, and R. H. Tawney, *English Economic History: Select Documents*.

¹⁰Adam Smith pointed out that in Holland, the wealthiest country of his day, profits and interest were low. "The province of Holland, on the other hand, in proportion to the extent of its territory and the number of its people, is a richer country than England. The government there borrows at two per cent, and private people of good credit at three." *The Wealth of Nations*, Vol. 1, III.

the expected rate of return in maritime enterprise, just as now seven per cent or less would be the expected net return. Further, nominal profits are highest where wages and other incomes are lowest, a seeming paradox; but high profits are usually associated with high risks. In Great Britain in the seventeenth century the accumulated capital was relatively small, despite the high nominal profits. Great Britain was then not a rich country. As capital slowly accumulated and the risks of adventure declined, so also the rate of profit. Consequently, in the last half century or more, interest rates in Great Britain have been the lowest in the world. Given safety, stability, freedom from piracy and, it may be added, seizure of profits by unscrupulous governments, capital will accumulate rapidly, and the rate of interest and profit will fall.¹¹

Very high profits, like high winnings in gambling, usually bring their own retribution. Men who grow suddenly rich are apt to lose their caution and engage in wild ventures, in which much of their capital is lost. But high profits are soon returned to labor, because the only way that capital can be profitably utilized, ultimately, is in the employment of labor. And if high profits are not dissipated in unprofitable ventures, the resulting increase in savings will bring about a fall in the interest rate. This process is accelerated whenever a particular industry, as the motor car or electric refrigerator, shows great promise; there is always a rush to engage in the new field.

Because of this self-limiting nature of profits, and because they are used to employ labor in expanding enterprise, it is difficult to understand the violent emotions aroused when a well-run business earns profits of 10 per cent rather than the usual five.¹² And when

¹¹John Stuart Mill accounted for the accumulation of capital at low rates of interest in England in this manner: "There are many circumstances, which, in England, give a peculiar force to the accumulating propensity. The long exemption of the country from the ravages of war, and the far earlier period than elsewhere at which property was secure from military violence or arbitrary spoliation . . . Much also depended on the better political institutions of this country, which by the scope they have allowed to individual freedom of action, have encouraged personal activity and self-reliance, while by the liberty they confer of association and combination, they facilitate industrial enterprise on a large scale." *Principles of Political Economy*, pp. 173-75 (Ashley edition).

¹²Walker believed firmly that it was better to give businessmen somewhat excessive profits rather than to risk giving them insufficient ones. While agreeing that high profits might lead to reckless investment, he added: "But it clearly does follow from the fact that the sole initiative in industry resides in the employing class, that it is exceedingly important that profits should

these profits are earned by a huge business that dominates the industry, the popular resentment is easily aroused—as, for example, in the control of the aluminum industry by the late Mr. Mellon and his associates. Undoubtedly they made large profits, but not at the expense of the public. When these men took over the patents of an Ohio youngster, this metal was selling for around \$1.50 per pound. After thirty years of as near a monopoly as any industry of our day, the price of aluminum was around nine cents per pound. In their efforts to “mulct” the consuming public these “highbinders” and “thieves,” as they were freely called, reduced the price of the utensils made from aluminum by more than 90 per cent; meanwhile, as noted, paying the clever young man who invented the process a trifle of twenty-three million dollars in royalties.

I do not know whether this is a typical monopoly, though I suspect that it is fairly representative. If we imagine that “monopolies” are a means of gouging the public to make outrageous profits, why, in this instance and in almost every other, were prices steadily reduced? The obvious answer is to get more business, so as to make more aggregate profit. Why, for example, was it advantageous to Henry Ford and to other makers of motor cars to reduce their prices to the lowest possible? Why did Ford make perhaps ten times the aggregate profits of all the companies manufacturing high-priced cars? Because he turned back to the public the greater part of the benefit of the increased efficiency resulting from his large-scale production. For a time Henry Ford had almost as absolute a monopoly in the motor industry as the Mellons had in aluminum. Although his net realized profits were near to a billion dollars in thirty years, and that from an initial capital of \$29,000, the public gained as much and more from the fine cars he sold at an astonishingly low price. And it should be added that Ford paid the highest wages in the automobile industry.

Perhaps it will be said that a distinction should be made between “good” and “bad” trusts. The distinction seems idle. From the point of view of general benefits, there are no “bad” trusts. Consider the Standard Oil Company, for many years the target of the trustbusters, and of none too savory fame. Mr. Rockefeller made a great fortune, selling oil all over the world. He acquired a virtual monopoly. But

be kept up to the point to encourage the largest production which can be maintained without repletion.” F. A. Walker, *Money and Its Relation to Trade and Industry*, p. 91.

he did this by making better and cheaper oil than his competitors. It is true that his competition was ruthless; but the public was and is the ultimate beneficiary, not only in lower prices and better product, but in other ways.

To be sure, the profits of Mr. Rockefeller and Mr. Ford were unusual. But to what were these profits devoted? To vain or ostentatious expenditures by Mr. Ford or Mr. Rockefeller? Scarcely two per cent for personal expenditures of any kind. The monopoly profits, carefully and wisely invested, went to the increase of the hundred billions or more of active capital employed in the industry of the country, to increase the product per worker, to raise the general standard of living. In addition, much of Mr. Rockefeller's profits were devoted to educational and scientific purposes; three quarters of a billion dollars, to lasting benefit to all mankind.

It has been duly noted that the inventions and technical improvements in the equipment used in industry require a continually increasing investment per worker. In manufacturing, this investment has risen steadily, from a few hundred dollars per worker a hundred years ago, to approximately ten thousand dollars per worker. No one imagines that an employer would buy new machinery if it did not pay. But it is only by providing this additional or improved equipment that the product per worker can be increased to any extent. A current advertisement depicts an extraordinary new machine for rolling steel in a Cleveland steel works. This will turn out a sheet of steel eight feet wide at the rate of twenty-five *miles* an hour. One hundred years ago there was no rolling machine. This mechanism is the result of a long course of inventions and improvements, made by many talented and highly skilled individuals. But unless adequate funds are available for building such equipment, there could be no means of using it.

The same applies in every line of industry. Take, for example, a modern leviathan, the "Queen Mary" or the "Normandie." The men who man them, and the laborers who worked on their construction, possess no higher efficiency than those of fifty or one hundred years ago. If the cost of transportation on such ships is lower, and the quality of transportation higher, it is due entirely to the huge investment, rising to sixty or seventy million dollars for a single vessel. Without such investment, modern ocean transport would be impossible.

Or consider a modern printing press, turning out hundreds of

thousands of printed papers per hour, at a speed almost terrifying to watch. It is almost inconceivable that a substance like paper can be whirled through monstrous rollers with such rapidity and not be torn to shreds. These printing presses are again the product not of the worker but of inventive talent. Compare their output with that of an ancient hand press such as may be found in the museums. It is the *investment* in these machines that makes it possible to sell a modern newspaper of forty or fifty pages for a few cents.

The use of such equipment, whether in steel, in transportation, or in publishing, is possible only if sufficient capital is available for its purchase. Why should additional capital at times be so difficult to obtain in so rich a country as the United States? Simply because new capital for industry is derived almost wholly from profits, and these profits, despite popular impression, are often low, and limited. If savings were large, capital would be far cheaper. In point of fact, the average rate of interest over a long period has not materially changed in the last half century. But at times it has been sharply dear.¹³ If capital savings were greater, more up-to-date machinery would be employed. But profits in industry are restricted by intense competition. The constant aim of every manufacturer is to produce at a lower cost than his competitor in order to sell a larger quantity of goods.

So also the rate of improvement in machinery, the cost of developing and installing new inventions, the discovery of new processes, impose a sharp limitation upon the rate of investment. Industry

¹³The steadiness of the rate of interest has been noted by many economists. Professor Taussig states: "The steadiness of the rate of interest during the vast changes since the industrial revolution of the eighteenth century is a remarkable phenomenon . . . The trend of this rate . . . in view of the extraordinary increase alike in the demand for capital and in the supply of capital, has been remarkably even." *Principles of Economics*, Vol. II, pp. 30-31 (3rd edition). Professor Cannan in a lecture given to the staff of the Bank of England made a similar observation. "When you think of these great contending forces, increase of capital struggling against increase of population, and the invention of elaborate machinery struggling against the invention of simplifactory devices, and remember that the first of these two struggles may be going one way while the second is going the other way, you will not find it extraordinary that the rate of interest is as stable as it is, whether you think of thousands of years or of the few years which you have known." Edwin Cannan, *An Economist's Protest* (London: Staples Press Ltd., 1927), p. 292. For the behavior of the interest rate in the United States, see F. R. Macaulay, *Some Theoretical Problems Suggested by the Movement of Interest Rates, Bond Yields and Stock Prices in the United States since 1856*.

as a whole cannot advance much faster than this rate of improvement. The whole process, therefore, is interlinked in such complete fashion that we have here, in a real sense, a nearly automatic mechanism. The very nature of competition restricts business profits; this limits savings; and the rate of savings and technical achievement limits the fund for reproductive capital. This reproductive capital then determines real income and rate of growth in production.

There is another aspect of profits as a factor in industrial progress. Unless business enterprises can make profits they have no inducement to invest in new equipment.¹⁴ There are always industries that can make use of new equipment, but often their profits are so small they do not have sufficient credit to borrow the necessary funds on acceptable terms. The railroads have been a notable example. A large proportion of their locomotives are said to be twenty years out-of-date. The new equipment would result in lowered operating costs. There is an instance where a company replaced fifty out-worn locomotives with seven of the modern type. Such new equipment could be used effectively by nearly all the railways. But their profits are so small and uncertain, they cannot secure the needed capital. We here have a typical instance of the necessity of adequate profits to induce enterprises to invest, and lenders to provide the funds at a satisfactory rate of interest.

Further, unless profits are sufficiently high to make ownership of stocks and bonds both desirable and secure, the cost of new capital will be so high that business enterprises will be unable to issue new securities. Finally, with inadequate profits the principal of savings for use in industry will be depleted. Because profits stimulate production and assure economic progress, it may be doubted whether any policy that has in view the limitation of profits, whether for the purpose of diminishing prices or for increasing wages, can be justified. We may go further and say that the one and only certain method of increasing real wages for all working men is to maintain this adequate level of profits.

¹⁴"The margin of profit in ordinary business is so small that a reduction in profits . . . cannot fail to tell heavily upon the vitality of the commercial and industrial system." F. A. Walker, "The Relation of Changes in the Volume of Currency to Prosperity," American Economic Association, *Economic Studies*, 1896.

The Hutterian Brethren: Successful Communists

by Howard E. Kessler

A native of Canada, Howard E. Kessler was graduated from the University of Oregon School of Journalism, and has been a reporter for newspapers in California and Oregon. For the past twenty years he has been manager of trade associations and educational institutes. He recently returned to Canada, where he and his wife live near Victoria, Vancouver Island. Mr. Kessler operates his own "Poor Richard's" bookshop, stocked with the several thousand books he has collected over the years. He was awarded the Rose Wilder Lane scholarship to attend the Freedom School in 1964.

Is it true that communism is "a dream, a childish vision that imagines the world to be other than it is," and that it is "contrary to the laws of nature," as Robert LeFevre maintains in *This Bread Is Mine*?¹

It will be the purpose of this essay to prove otherwise.

For, while the experience of Soviet Russia, China, and hundreds of Utopian groups could be used to demonstrate the futility of attempting to establish true communism of production and distribution, the Hutterian Brethren of western Canada and the United States can be cited as the one society that has managed to breed a new type of "communist man."

After more than four centuries of practicing complete religious communism, the Hutterites are more numerous today than ever before—and they are doubling in population every 16 years, a fantastic net gain that sociologists maintain is the highest birth cum survival rate in the world's history!

That this sect is so little known outside the five states and three provinces where they operate their communal farms is a tribute to Hutterite success in their search for isolation and anonymity. Nevertheless, scholarly treatises have been written about them, and

¹LeFevre, *This Bread Is Mine* (Milwaukee: American Liberty Press, 1960), p. 34.

governments have passed legislation to curb their relentless expansion.

How has this group managed to continue the practice of communism for so many years? To a dedicated individualist such as the writer, who has lived in the neighborhood of the Alberta Hutterites for many years, this question has been a baffling one, which has led him to do a great deal of personal research. His answers are several, and for whatever value they may have for students of individualism versus collectivism they will be here presented.

Persecution

Incessant persecution has tended to produce a strong "we-them" loyalty among members of the Hutterian sect. That the cruelest and most vindictive hounding of man of which the mind can conceive only tends to strengthen fanatically-held beliefs, a brief summarization of Hutterite history will serve to indicate.

One of the Anabaptist (rebaptizer) sects born during the Protestant Reformation in Europe, the Hutterian Brethren were the only group to practice Christian communism from the date of their formation, 1528. The founders were Swiss Brethren refugees from South Germany and the Tyrol who came to Moravia (Czechoslovakia), having received word that Anabaptists were tolerated in that country.

"Ministers of temporal needs having been chosen," says the chronicler of the Brethren, "these men spread a cloak before the people, and everyone laid down on it his earthly possessions unconstrained and with a willing mind, according to the teaching of the prophets and apostles."

Thus, by adopting as one of their cardinal tenets the community of goods approved by Paul in Act II, 44-45 ("And all that believed were together and had all things common; and sold their possessions and goods, and parted them to all men, as every man had need"), the Hutterian Brethren embarked on their experiment in communism.

The sect's name comes from their first notable leader and martyr, Jacob Hutter, a Tyrolean hat-maker, and a man of "firm convictions, deep consecration, eminent organizing talent and great will power," as the chronicler points out. He was chosen head pastor of the tiny group in 1533, but his pastorate was to be short-lived. He was imprisoned at Innsbruck, in the Tyrol, where the most cruel torture

was employed to force him to recant.

"He remained steadfast and true to the faith," says the chronicler, "as a Christian hero. Finally he was, by the evil sons of Caiaphas and Pilate, tied to a stake and burned alive. With great joy he gave his life as a testimony to the truth."

The date of his martyrdom was February 26, 1536, but in his three short years as their leader Jacob Hutter had set forth in minute detail, for his Brethren's guidance, rules and regulations which have been followed in things material and spiritual from that day to this.

Here is an honor roll of Hutterite persecutions that followed, extracted from the "Larger Chronicle" which every Hutterite is expected to study, and to remember:

"In 1535 there began a great persecution. The Hutterians were driven from their dwellings, compelled to camp under the sky, forced to hide in forests and cliffs . . .

"In 1548 a merciless persecution again began . . .

"In the year 1593 war began between Turkey and Austria. This period was a time of severe oppression for the Hutterians . . . Several lords burdened the Hutterians with unbearable taxes . . .

"A time of great tribulation came in 1605, as a result of the invasion of the Turks, Tartars, and their allies, the Hungarians. Sixteen colonies were destroyed in three months; 81 Hutterites were murdered; 240 were carried off into slavery in Turkey . . .

"In 1619 an army of King Ferdinand completely destroyed, within two months, 12 of the 40 remaining Hutterian colonies, and plundered and devastated 17 others . . .

"In one night in 1620, 56 people were murdered in the bruderhof at Pribitz by a Polish army, and 60 others were wounded. In one year the Hutterians lost one third of their members by death. Women with child, mothers on their deathbed, as well as virgins, were most outrageously attacked. The men were burned with glowing irons and red-hot pans; their feet were held in the fire until their toes were burned off; wounds were cut, into which powder was poured and then set afire; fingers and ears were cut off, eyes forced out by inhuman torture; men were hung by the neck like thieves . . .

"In 1622 a mandate was issued in the emperor's name, giving the Hutterians four weeks to vacate Moravia. They thus were forced to leave 24 colonies at the beginning of the cold season. They fled

to Hungary, and suffered exceedingly from famine and pestilence . . .

"In a great famine, 1638-39, the need was so great that some mixed clay with the flour and baked bread . . .

"In 1645 most of the houses were again plundered by the armies, and a plague took many lives . . .

"In 1663-64, the buildings of a number of the colonies in Hungary were destroyed by the Turks and Tartars, and 122 Hutterites were carried away into slavery . . .

"In 1759, when Maria Theresa was empress, the Jesuits petitioned her for permission to attack the Hutterians. They received full authority, and decided to attack all congregations on the same day, November 25 . . .

"On October 3, 1767 the flight to Wallachia (Rumania) started . . .

"In 1769 war broke out between Russia and Turkey, and plundering bands robbed the Hutterites . . .

"On April 10, 1770, the Brethren set out to emigrate to Russia, where freedom of religion was guaranteed them."

America first became acquainted with the Hutterian Brethren in 1874, when 250 of them fled Russia, where the government had withdrawn the grant of freedom from military service, and established a bruderhof in Dakota Territory, near present-day Yankton, South Dakota.

In all, some 350 Hutterites settled along the James River in communal colonies between 1874 and 1879. There were only 16 family names, all of German origin (Tschetter, Waldner, Hofer, Entz, Wurz, Stahl, Gross, Wipf, Kleinsasser, Mandel et al) and it is significant to note that there has been no increment of family names since the emigration from Russia. With no infiltration of new blood the Hutterite population has grown from 350 to 15,000 persons in less than a century! In some colonies of approximately 100 persons, everyone bears the same surname!

Yet, even in this land of the free and the brave, persecution persisted. During World War I, Hutterites were assaulted for refusing to buy Liberty Bonds, their cattle were driven off, and the only two conscientious objectors to die as a result of government persecution were two young men from a Hutterite bruderhof.

Upon the guarantee of the Canadian government that they would be free from military service, nearly all of the Brethren emigrated in 1918 to Manitoba and Alberta. By 1933 there were 33 bruderhofs, having a population of 3,483. Today there are nearly 150 Hutterite

communal farms, 67 in the province of Alberta alone. At this rate of growth, which has been maintained since they first settled in America, there will be more than half a million Hutterites by the middle of the next century!

Persecution has not ceased, of course. During World War II, the government of Alberta first prohibited sale of additional land to the sect, then in 1947 passed the Communal Property Act, which restricted the Brethren to a maximum of 6,400 acres per colony, with each separated from the nearest colony by at least 40 miles. In 1960 a Communal Property Control Board was set up to hear applications from the colonies for permission to buy land. Public hearings were held on applications, but these became so unruly with threats of mob violence against the Hutterites that in 1962 the Act was again amended, leaving the final decision of establishment of new colonies to the provincial cabinet, with no provision for appeal.

There is pending this year in the Alberta courts the first charge against the Hutterian Brethren of unlawfully acquiring land for a colony. It will provide a court test of Alberta's Communal Property Act.

Hutterites are proud of this record of withstanding persecution, and of the 2,173 Brethren and their sisters listed as martyrs in their *Larger Chronicle*. They often repeat: "Blessed are ye when men shall revile you, and persecute you, and shall say all manner of evil against you."

Religious Base

The completely religious motivation of the Hutterian Brethren has provided that background which, the history of all communist groups shows, is most conducive to longevity. In his excellent work, *Communist and Cooperative Colonies*,² Professor Charles Gide emphasizes this point:

"The founders of communist societies imagine that property is the chief cause of dissensions among men in present-day society, and that when property is abolished harmony will reign undisturbed. But experience shows that if private property gives rise to conflict, so does community of property, and even more frequently. It must not be thought that the winding up of these societies is due to great causes. They die of petty vexations engendered by daily life and intensified by the strict regulation to which every communistic society must of necessity be subjected. We shall see that most of

²(London: George G. Harrap & Co., 1930).

the communist societies which have lasted for a long time have consisted, with very few exceptions, of members of religious sects. This is due to their habit of discipline and obedience to St. Paul's command: 'Bear ye one another's burdens.'

Every mature Hutterite is an expert on the Bible. Indeed, he has had religious instruction pounded into his head from the age of three, and all Hutterite colonies have church services every night of the week. The Bible together with a few books pertaining to the sect's history and beliefs, are the only volumes you will find in a Hutterite library.

I have visited many Hutterian colonies and have been treated hospitably in each of them. Without exception, the men and women to whom I have talked have been ready, willing, and eager to discuss the Bible, and to defend their way of life as the chosen people.

Over the years this writer has collected hundreds of newspaper clippings about the Hutterian Brethren and their problems. Among these are a number of "letters to the editor" from Hutterites themselves. Each of these letters shares this characteristic: it is studded with Biblical allusions and quotations to prove points. To quote from a few such letters:

"We are living in the last days of this world, and the Devil is working overtime to get all he can before the end, and it looks like the majority are following him by doing his work. Christ was persecuted long before us, and we have nothing else to hope for."

"I have been taught to live as the early Christians, not to possess anything of my own, 'for all that believed were together, and had all things common.' I can no more accept the commandments of men, contrary to my conscience, but in a peaceable way earn my own bread in the sweat of my brow, share all my earnings with my fellowmen and my country. Further, our basic ground, known as the 'Confession of Faith,' written by Peter Riedemann in 1540, tells us that our forefathers have again, in the year 1529, accepted Christ's command to follow His footsteps in living as sheep in a fold, and have all things common."

"The only measure authorized by Christ to deal with our enemies is love and benevolence. And in accordance with this, our good Master has taught us to pray for our enemy, since we are not allowed to hate."

"Community of goods is upheld by the all-powerful bond of love, as Jesus says in John 16:17: 'These things I command you, that ye

love one another.' We willingly pay all taxes to uphold our government, as Paul says in Romans 13:1-3: 'Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil.' We pray for our government every day. But we don't believe in wars, nor contribute money to help win wars, or give money to uphold places of attraction, such as dance halls, opera houses, and all other places of enjoyment, which is strictly against God's will, for John says: 'Go ye out of the world, for in the world is lust of the eyes and lust of the flesh.'"

Colony Structure

The third reason for the longevity of the Hutterian sect is to be found in the practical organization of the colonies. In the past 437 years many hundreds of *bruderhofs* have been set up, as alike as peas in a pod, built and run to the pattern cut by Jacob Hutter himself. With a genius for organization that would have enabled him to rise to the executive suite of many a corporation today, the Tyrolean hat-maker measured his brethren for his type of communism so well that the hat still fits the Hutterites of the twentieth century. No founder of an American communal society has proved to be one tenth as successful.

Here then, very briefly, is the way a Hutterite *bruderhof* is established and operated.

Every colony is designed to accommodate approximately one hundred souls. After reaching and passing that number, Hutterites "swarm," choosing by lot the families who will occupy the new *bruderhof*, which usually covers about 6,000 acres of prairie farmland.

In the center of each colony stands the church, also used as a school. Near this modest structure is the communal mess hall and kitchen, in which men dine on one side of the room, women on the other, and the children eat after their elders. Clustered about these buildings are the living quarters, each 96 feet by 32 feet, with square rooms on either side, each with its separate entrance. One room is home to a Hutterite family until they have more than five children (the Hutterite *average* is ten!) when they are given the use of a second room. On the outskirts of the community are

the poultry houses, barns, machine shops, and farther out, the tannery.

Hutterite dress is uniform, black suits and black hats for the men, ankle-length dresses covering a minimum of three petticoats, and bonnets or babushkas for the women. The children dress exactly as their parents.

Each colony is headed by two elected individuals, the pastor and the boss, tending to the spiritual and material needs of the community respectively. These men are elected for life by the male members, the women having no official voice in a Hutterite bruderschaft, again in accordance with biblical injunctions that the woman shall be in silence.

Centuries before Charles Fourier, the Hutterites adopted a Fourier-like division of labor. With more success than the Brook Farmers, they elect bosses for each farming operation, i.e., a cattle boss, poultry boss, machine boss, and so on. No man can openly aspire to these jobs, and he may be chosen for one he doesn't like at all. A Hutterite cattle boss confided to me one day that he had really wanted to boss the machine shop, as his bent was mechanical, but he could make no protest when he was assigned to the cows.

Hutterite women are divided into groups whose chores alternate from week to week. They will do the colony baking one week, be assigned to the laundry the next week, to the fields still another week. They are thus never subjected to the housewife's boring routine of women outside.

Marriage is a matter of voluntary choice of partners, but before the ceremony is performed the pastor consults his genealogical records. If the couple are closer than second cousins, the wedding is not permitted. Within a year after his marriage, the husband must grow a beard, which he wears the rest of his life. Because Hutterites may not marry until after they are accepted into full membership and baptism, which occurs about the twenty-first year, there are few teen-age marriages among them. While their birth rate under 25 years is below the national average, they quickly make up for a slow start.

The couple is given the use of the necessary simple articles of furniture to set up housekeeping. They also receive a Bible and a copy of the Hutterite Chronicles.

Individual Hutterites own nothing, but in recent years small amounts of cash have been doled out to members to spend in near-

by towns for items that are not on the *verboden* list. This usually amounts to about a dollar a month.

Here is the way the chronicler describes Hutterite life during their "ideal period," from 1563 to 1592, when the Brethren had between 40 and 50 communities:

"Christian community of goods was practiced according to the teaching of Christ. All shared alike in one common treasury, one common house, one common table.

"Christian excommunication was used against those who fell into grievous sin; they were put out and avoided. Each transgressor was disciplined according to his guilt. Those who gave evidence of true repentance were reinstated.

"Never were there any weapons of defense or war. All lived together in harmony. Patience was their only weapon in all difficulties. They were subject to the authorities and obedient in all good works, in all things that are not contrary to God.

"No cursing or swearing was heard. There was no betting, no dancing and card-playing, no carousing and drinking. They did not make for themselves fashionable, immodest, proud, and unsuitable clothes. There was no singing of shameful songs.

"The places of leadership were occupied by elders. Difficulties were settled by them as arbitrators. Other talented men were in charge of the management of temporal affairs, supervised finances, provided for supplies, and did the buying and selling.

"There was no usury nor taking of interest, no buying and selling for gain. There was only that which had been obtained by honest labor. There were all sorts of honorable and useful trades, no one was idle, even the priests learned to labor. In each craft there was a supervisor.

"Just as in a colony of bees in the common hive one part prepares the honey, another the wax, another furnishes water, and another does something else so that the precious sweet honey may finally be produced."

This account could just as well have described the Hutterites of today, 400 years later.

Despite the rigidities of this life, it is remarkable that very few Hutterites ever leave the colony, although they are free to do so at any time, taking nothing with them, of course. Dissatisfied with the competitive life outside, many who have left later return and are readmitted to the Brethren, contributing any material goods they

have acquired to the common treasury.

While the Hutterite is subject to self-criticism and brotherly admonition, much as John Humphrey Noyes enforced in his Oneida colony, he can look forward to complete social security and all his bodily needs in congenial society, and this is a package deal he feels it is impossible to equal outside the colony.

The Formula

This brings me to the fourth, and perhaps the most significant reason of all, for the continuance of Hutterian communism. The constant indoctrination of the same strain of people over hundreds of years in identical religious and communist tenets has produced a fantastically unnatural breed of man who thrives on communist life and prefers it to all other varieties in which he would enjoy more freedom.

The Hutterian Brethren, it seems to me, have produced a "brave new world" of their own, such as has never been emulated or even approached by any other society. Their "secret formula" is this:

If you can get them young enough (at birth), hammer communism into their heads long enough (starting at three years), and keep this up over a period of many generations of a direct line of descent under conditions of maximum isolation from disturbing influences, you *can* breed men receptive to communism. I believe the Hutterian Brethren have proved this.

Mind you, a communist mentality leaves much to be desired, in my opinion. Hutterites have forgotten nothing and learned nothing for hundreds of years. They have produced no geniuses, made no scientific discoveries, launched no creative intellects. They are farmers, simple of mind and heart. With their reactionary communism enforced world-wide, how little progress would be made in science, manufactures, or the arts!

This is the type of mentality which socialists are attempting to develop everywhere today. The job has been done for them by the Hutterian Brethren. To a Hutterite *bruderhof* any Marxist may go to see the true communist mentality at work, albeit a peculiarly benevolent and nonviolent type very unlike the communism Marx preached.

Individualists, on the other hand, may look to the Hutterites and be thankful this demonstration was not carried on compulsorily by all governments, starting in 1528!

No Treason: The Constitution of No Authority

by Lysander Spooner

Lysander Spooner (1808-1887) was a Massachusetts lawyer noted for his vigorous and brilliant opposition to the encroachment of the State upon the liberty of the individual. His writings on the unconstitutionality of slavery influenced pre-Civil War thought. His challenge to the postal monopoly (he set up a thriving private post) resulted in an Act of Congress sharply reducing postage rates.

His provocative letter to U.S. Senator Thomas F. Bayard in 1882 was published in the Spring 1965 RAMPART JOURNAL.

Editor's note:

Dr. James J. Martin, professor of History and Economics, introduces the following essay by Lysander Spooner.

Dr. Martin's book, *Men Against the State* (New York: Libertarian Book Club, Inc., 1957), includes a study of Spooner among other 19th century thinkers who questioned the authority of the State. His most recent work is in two volumes, *American Liberalism and World Politics, 1931-1941* (New York: The Devin-Adair Company, 1964).

Dr. Martin received his B.A. at the University of New Hampshire, his M.A. and Ph.D. at the University of Michigan. He was one of eleven distinguished guest lecturers at the six-month Rampart College/Freedom School Phrontistery 1963-64.

INTRODUCTION

Since late Neolithic times, men in their political capacity have lived almost exclusively by myths. And these political myths have continued to evolve, proliferate, and grow more complex and intricate, even though there has been a steady replacement of one by another, over the centuries. A series of entirely theoretical constructs, sometimes mystical, usually deductive and speculative, they seek to explain the status and relationships in the community since it became discernibly organized, politically. But in essence these constructs are all alike in that with varying degrees of persuasive-

ness they attempt to examine the origins of the State with little or no attention to its historic record, and then try to justify and fortify it in the face of criticism or objection.

In the long millennia during which theological authorizations of one kind or another were principally employed to sanctify the State and to promote its safety and continuity, we know very little of the critics and their products. Threats of divine retaliation by the gods upon any so sinful as to question the validity of the State may have been sufficient to inhibit the crime of deviationism. On the other hand, perhaps many ages may have had a formidable roster of adversaries of the State, but theirs must apparently have been largely an oral tradition, and has been lost to posterity with hardly a trace. A scrap or two have come down to us from the Orient, but ancient literary survivals are essentially a Statist apologia.

Undoubtedly the largest part of such criticisms may have subjectively denounced the more obvious vulnerabilities of the institution, particularly its capacity for promoting institutionalized robbery, murder, injustice, and tyranny. Traces of such protest are discernible in the traditions of many peoples.

But the unvarying, wearisome replacement of one State by another for thousands of years reveals the depth of the fixation humankind has had concerning it, in part testifying, as Ludwig Gumplowicz and Franz Oppenheimer and others have observed, to the long-standing drive to make a living without working, a stage which has been tied to the evolution of productive processes to a point where a surplus existed beyond the needs of the producer. (The steady increase in the numbers who batten upon the substance of the productive community in the name of the State testifies in turn not to a mellowing expansiveness, a generous enlargement of the preying nomad band, as Oppenheimer would have it, but to the prodigious increase in production totals beyond subsistence or survival demands of the former.)

Oppenheimer described the United States of America a half-century ago (in *The State* [Indianapolis: Bobbs-Merrill, 1914], p. 17) as "among the most powerful State-formations in all history." Its prodigious growth since that time would surely have prompted him to elevate it to first place, and perhaps decades ago, had he lived to make such observations.

There is no apparent logic or law regulating the age-old conflict between the individual and the collectivity, between the State and

the idea or the reality of the voluntary social system. However, in America, the site of the evolution of the mightiest State of all time, there has been an inverse ratio between its growth and the production of native anti-Statism. Vasilii Klyuchevski, the giant of historical scholarship in the last century of Czarist Russia, put it best: "The State swells up; the people diminish." Part of the reason for this has been the much more opaque and intangible nature of the adversary. No stylized, symbolic vested agents, such as perhaps a traditional oligarchical priesthood of antiquity or a divine-right monarch, have existed here to provide a convenient target for word or deed. The tying of political tenure to astronomy instead of to dynasty has removed the possibility of a long-enduring personal symbol from the scene. And a massive obstacle has been created as a result of the homogenization growing out of mass voting, mass taxpaying, mass gun-bearing, and mass dispersal of the tidbits bestowed by the State; a vast, gray, shapeless enterprise has come into being, with which it has been difficult to come to grips, as in the manner of classical conflicts with the State.

One of the important consequences of all this has been a difference in the structure and strategy of Statist apologetics in America. There has been a marked diminution over the years in the invocation of the Deity as responsible for its installation and overall direction and protection. Divine-right and related theories have never enjoyed a vogue at all. The American genius has been concentrated in perfecting vague and generalized secular verbiage; elusive, imprecise terminology which often sets the line for seemingly interminable battlegrounds of conflicting interpretation. Expressions such as "general welfare," "public good," "social contract," "general will," and many others, come to mind.

Of course, the crowning achievement in the American experience was the production of the Constitution, the ultimate verbal bastion on which is perched the American State. Constitution-worship is our most extended public political ritual, frequently supervised as often by mountebanks as by the sincere. This is an unusual enterprise in world history, in view of the casual attitude toward such developments in most places and at most times. In point of service, it is easily the oldest such political document in history, which adds much to the awe and veneration in which it is held. For though we have had over a century of native critics and opponents of our State, from Warren, Thoreau, and Tucker down to

Albert Jay Nock and Frank Chodorov, the Constitution has largely been exempted or neglected in the unfolding of this critical tradition.

In America, we see, therefore, a different basis for the defense of the State. Lacking dynastic families, entrenched aristocracies, nobilities, royalties, and other ostensible residuaries of State power and beneficiaries of State emoluments, both the attack and the defense have moved to the abstract sector. For sure, in the final analysis, the State must be viewed as *certain people*. But Marx's definition of the State as the executive committee of the ruling class means little in an American context. If one can say that such an entity has ever existed here, its composition has been so mixed and so varying, and its tenure so transitory, that for specific purposes such a description is almost useless. No sustained, unbroken line of material profiteers from our State can be established. The bewildering turnover of elected personnel and the multiplicity of their fortunes virtually eliminate such temporary wielders of power from qualifying as reliable custodians of the State. This has been dramatized many times by the dispossessed from office complaining bitterly and vehemently over their unhappy treatment by the State, in their turn. (One need not mention the electrifying phenomenon of the last fifty years, namely, the growth of administrative government, with increasingly larger amounts of power and discretion in the hands of persons who have not even been elected to anything, and who often stand at the elbow of the familiar "responsible" public figures and who are more often than not the real authors of the policies and programs for which the latter are credited or blamed, as political fortunes would have it.)

Consequently, in view of the evanescent nature of power tenure in this country, the frequent unhorsing of the holders and exercisers of State power is looked upon with equanimity and not considered a threat in any way to the State. It is the assault upon the abstract and verbal underpinnings of this institution which draws blood, so to speak. If one can consider all the participants in the struggle to control and use the State as those engaged in a game (the book by Morgenstern and Neumann on the theory of games, in which war politics are examined in this context, deserves more study),¹ then those who seek to destroy the abstract-verbal justifica-

¹John Von Neumann and Oskar Morgenstern, *The Theory of Games and Economic Behavior* (2nd ed.; Princeton: Princeton University Press, 1947).

tion for such "play" are endangering the future course of *all* the players by riddling the rule books, which describe how such play is to be conducted while giving it a *raison d'être* besides. Those who attack the rationale of the game, and not the players, are its most formidable adversaries.

It is in the light of this that those who have the temerity to collide head-on with the Constitution and challenge its validity *in toto* stand out in such sharp outline and radiate a quality of uniqueness in the American anti-State library. And at the head of this category stands Lysander Spooner (1808-1887), whose major work in this offensive, *No Treason: The Constitution of No Authority*, is reproduced below from the original edition, written in 1869 and published in Boston in 1870. It is the last of a series bearing the identical main title which were to have been six in number, although this one, numbered the sixth, was actually only the third. (*No Treason* Nos. 3, 4, and 5 never appeared, for reasons never explained.) But in view of the scope of this work, it does not seem that anything pertinent was left unsaid, making necessary any further elaboration.

Spooner strips away the support from any and all who conjure up one or another persuasive explanation of the Constitution as a contract, or as an agent facilitating a contract theory of government. A practicing jurist all his adult life, Spooner puts the Constitution to the test of contracts "on general principles of law and reason," such as prevailed in public affairs and in the market place where he worked with people from day to day, and concludes that it does not meet any of the basic criteria for contracts at all, and was not valid or binding on anyone. The sort of mystical osmosis, akin to telepathy, perhaps, by which Americans were supposed to have contracted with one or another to function under the document at the launching of the post-Revolutionary War American State, evaporates in Spooner's path as he assembles his argument, line by line, in nineteen carefully reasoned sections.

Spooner does not find that the Constitution "says" anything, because it cannot talk. But he does see it as a device through which judges talk, explaining what it "said" to those who live under it. Since not even its creators signed it, the Constitution was not even binding on them, Spooner argued. (The appearance of printings of the Constitution in modern times which bear signatures of the drafters of the document does not affect Spooner's point, which re-

mains unaltered; the intent of this latter-day device is not discernible, but can be interpreted to be little more than an annotation and not an attempt to assert that there is a contractual connotation here, as in the case of the signatures gracing the Declaration of Independence.) And as for later times, there was no evidence that it had any binding quality upon their posterity, while all who acted under it were anonymous agents of concealed persons, who were engaged in inflicting the will of these persons upon others in an invasive manner. He went on with ingenious demolition of the arguments that voting or tax-paying were evidence of voluntary submission to those who ruled in the name of the Constitution, and challenged any office-holder or wielder of power who might claim accurately and precisely to identify those in whose name he functioned, and with whose assent he acted to make their will prevail, to do so.

There is much internal evidence that Spooner believed the Constitution had been put to the supreme test by Secession and the ensuing Civil War, barely four years ended when he wrote *No Treason*, and that the document was a proven failure if it purported to be a voluntary compact entered into by all for the object of promoting various mutual benefits and comforts. The mere fact that so many lives lost and so much violence and blood had been necessary, for those who wanted the Constitution, to make it prevail over those who did not want it, was sufficient evidence to him that there was no difference between the American State experiment and that of all those before it which streamed away into the past. The party with the most men and guns had prevailed, and it angered and incensed him to hear political thimblerriggers bray of having "saved the country" and "preserved our glorious Union," while "maintaining the national honor."

Spooner was not trying to sympathize with the Southern cause, though he neglected to point out that the defeated Confederacy was no less State-minded than the Northern "Union," that it had preceded the period of hostilities with Constitution-making on its own account, ending up with one which included several sections even more objectionable than the one he was attacking. His effort instead was devoted to revealing how far removed from a "government by consent" or a "voluntary union of free men" the actual situation really was. Spooner disparaged the theory that the center of the contest concerned the institution of slavery, and advanced

an economic interpretation of the war in harmony with others which have appeared since, propounded by critics of the State and others not so disposed, alike. Says Spooner in conclusion, speaking of the Constitution, "This much is certain—that it has either authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist."

For sheer audacity and breath-taking boldness, *No Treason* remains unmatched. One cannot call to mind anything to compare with it. In order to justify the continuance of the Constitution as the foundation-stone of the American State, one must seek other entrenched positions from which to make the defense than from that of any school of theoretical contractualism, after encountering Spooner.

No Treason presumes a bit more than minimum acquaintance with political and legal theory and practice, and the semantics of Statism, on the part of its readers. But one is unlikely to encounter another exercise in thinking which exceeds it in providing a more brilliant insight into the mystical speculative presumptions of the apologists for constitutionally-based Statism whose ideological roots are lodged in eighteenth century beliefs.

JAMES J. MARTIN

No Treason: The Constitution of No Authority (No. VI)

I.

The Constitution has no inherent authority or obligation. It has no authority or obligation at all, unless as a contract between man and man. And it does not so much as even purport to be a contract between persons now existing. It purports, at most, to be only a contract between persons living eighty years ago.¹ And it can be supposed to have been a contract then only between persons who had already come to years of discretion, so as to be competent to make reasonable and obligatory contracts. Furthermore, we know, historically, that only a small portion even of the people then existing were consulted on the subject, or asked, or permitted to express either their consent or dissent in any formal manner. Those persons, if any, who did give their consent formally, are all dead now. Most

¹[This essay was written in 1869.]

of them have been dead forty, fifty, sixty, or seventy years. *And the Constitution, so far as it was their contract, died with them.* They had no natural power or right to make it obligatory upon their children. It is not only plainly impossible, in the nature of things, that they *could* bind their posterity, but they did not even attempt to bind them. That is to say, the instrument does not purport to be an agreement between any body but "the people" *then* existing; nor does it, either expressly or impliedly, assert any right, power, or disposition, on their part, to bind anybody but themselves. Let us see. Its language is:

We, the people of the United States (that is, the people *then existing* in the United States), in order to form a more perfect union, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves *and our posterity*, do ordain and establish this Constitution for the United States of America.

It is plain, in the first place, that this language, *as an agreement*, purports to be only what it at most really was, viz., a contract between the people then existing; and, of necessity, binding, as a contract, only upon those then existing. In the second place, the language neither expresses nor implies that they had any intention or desire, nor that they imagined they had any right or power, to bind their "posterity" to live under it. It does not say that their "posterity" will, shall, or must live under it. It only says, in effect, that their hopes and motives in adopting it were that it might prove useful to their posterity, as well as to themselves, by promoting their union, safety, tranquility, liberty, etc.

Suppose an agreement were entered into, in this form:

We, the people of Boston, agree to maintain a fort on Governor's Island, to protect ourselves and our posterity against invasion.

This agreement, as an agreement, would clearly bind nobody but the people then existing. Secondly, it would assert no right, power, or disposition, on their part, to compel their "posterity" to maintain such a fort. It would only indicate that the supposed welfare of their posterity was one of the motives that induced the original parties to enter into the agreement.

When a man says he is building a house for himself and his posterity, he does not mean to be understood as saying that he has any thought of binding them, nor is it to be inferred that he is so foolish as to imagine that he has any right or power to bind them,

to live in it. So far as they are concerned, he only means to be understood as saying that his hopes and motives, in building it, are that they, or at least some of them, may find it for their happiness to live in it.

So when a man says he is planting a tree for himself and his posterity, he does not mean to be understood as saying that he has any thought of compelling them, nor is it to be inferred that he is such a simpleton as to imagine that he has any right or power to compel them, to eat the fruit. So far as they are concerned, he only means to say that his hopes and motives, in planting the tree, are that its fruit may be agreeable to them.

So it was with those who originally adopted the Constitution. Whatever may have been their personal intentions, the legal meaning of their language, so far as their "posterity" was concerned, simply was, that their hopes and motives, in entering into the agreement, were that it might prove useful and acceptable to their posterity; that it might promote their union, safety, tranquility, and welfare; and that it might tend "to secure to them the blessings of liberty." The language does not assert nor at all imply, any right, power, or disposition, on the part of the original parties to the agreement, to compel their "posterity" to live under it. If they had intended to bind their posterity to live under it, they should have said that their object was, not "to secure to them the blessings of liberty," but to make slaves of them; for if their "posterity" are bound to live under it, they are nothing less than the slaves of their foolish, tyrannical, and dead grandfathers.

It cannot be said that the Constitution formed "the people of the United States," for all time, into a corporation. It does not speak of "the people" as a corporation, but as individuals. A corporation does not describe itself as "we," nor as "people," nor as "ourselves." Nor does a corporation, in legal language, have any "posterity." It supposes itself to have, and speaks of itself as having, perpetual existence, as a single individuality.

Moreover, no body of men, existing at any one time, have the power to create a perpetual corporation. A corporation can become practically perpetual only by the voluntary accession of new members, as the old ones die off. But for this voluntary accession of new members, the corporation necessarily dies with the death of those who originally composed it.

Legally speaking, therefore, there is, in the Constitution, nothing

that professes or attempts to bind the "posterity" of those who established it.

If, then, those who established the Constitution, had no power to bind, and did not attempt to bind, their posterity, the question arises, whether their posterity have bound themselves. If they have done so, they can have done so in only one or both of these two ways, viz., by voting, and paying taxes.

II.

Let us consider these two matters, voting and tax paying, separately. And first of voting.

All the voting that has ever taken place under the Constitution, has been of such a kind that it not only did not pledge the whole people to support the Constitution, but it did not even pledge any one of them to do so, as the following considerations show.

1. In the very nature of things, the act of voting could bind nobody but the actual voters. But owing to the property qualifications required, it is probable that, during the first twenty or thirty years under the Constitution, not more than one-tenth, fifteenth, or perhaps twentieth of the whole population (black and white, men, women, and minors) were permitted to vote. Consequently, so far as voting was concerned, not more than one-tenth, fifteenth, or twentieth of those then existing, could have incurred any obligation to support the Constitution.²

At the present time,³ it is probable that not more than one-sixth of the whole population are permitted to vote. Consequently, so far as voting is concerned, the other five-sixths can have given no pledge that they will support the Constitution.

2. Of the one-sixth that are permitted to vote, probably not more than two-thirds (about one-ninth of the whole population) have usually voted. Many never vote at all. Many vote only once in two, three, five, or ten years, in periods of great excitement.

²[In the presidential election of 1824, the first in American history for which there are reliable tabulations of popular votes, barely 350,000 votes were cast at a time when the population was approximately 11,000,000 (the figure for the decennial census of 1820 was 9,638,453; that of 1830 was 12,866,020).]

³[In the 1868 election, which occurred just before Spooner was writing, a total of about 5,700,000 votes were cast for the candidates, Gen. Ulysses S. Grant and Horatio Seymour; the population figure for the 1870 census was nearly 40,000,000.]

No one, by voting, can be said to pledge himself for any longer period than that for which he votes. If, for example, I vote for an officer who is to hold his office for only a year, I cannot be said to have thereby pledged myself to support the government beyond that term. Therefore, on the ground of actual voting, it probably cannot be said that more than one-ninth or one-eighth, of the whole population are usually under any pledge to support the Constitution.⁴

3. It cannot be said that, by voting, a man pledges himself to support the Constitution, unless the act of voting be a perfectly voluntary one on his part. Yet the act of voting cannot properly be called a voluntary one on the part of any very large number of those who do vote. It is rather a measure of necessity imposed upon them by others, than one of their own choice. On this point I repeat what was said in a former number,^a viz.:

"In truth, in the case of individuals, their actual voting is not to be taken as proof of consent, *even for the time being*. On the contrary, it is to be considered that, without his consent having even been asked a man finds himself environed by a government that he cannot resist; a government that forces him to pay money, render service, and forego the exercise of many of his natural rights, under peril of weighty punishments. He sees, too, that other men practice this tyranny over him by the use of the ballot. He sees further, that, if he will but use the ballot himself, he has some chance of relieving himself from this tyranny of others, by subjecting them to his own. In short, he finds himself, without his consent, so situated that, if he use the ballot, he may become a master; if he does not use it, he must become a slave. And he has no other alternative than these two. In self-defence, he attempts the former. His case is analogous to that of a man who has been forced into battle, where he must either kill others, or be killed himself. Because, to save his own life in battle, a man attempts to take the lives of his opponents, it is not to be inferred that the battle is one of his own choosing. Neither in contests with the ballot—which is a mere substitute for a bullet—because, as his only chance of self-preservation, a man uses a ballot, is it to be inferred that

⁴[Relative percentages of those voting out of the total population have steadily increased since this was written but, in the main, Spooner's conjecture was borne out down until the adoption of the 19th Amendment, which ended sexual discrimination in national elections in 1920. The voters in the elections between 1870 and 1920 varied from one fifth to one eighth of the whole population. In recent years, since 1940, the figure has usually fluctuated between one-third and two-fifths.]

^aSee *No Treason*, No. 2, pages 5 and 6.

the contest is one into which he voluntarily entered; that he voluntarily set up all his own natural rights, as a stake against those of others, to be lost or won by the mere power of numbers. On the contrary, it is to be considered that, in an exigency into which he had been forced by others, and in which no other means of self-defence offered, he, as a matter of necessity, used the only one that was left to him.

"Doubtless the most miserable of men, under the most oppressive government in the world, if allowed the ballot, would use it, if they could see any chance of thereby meliorating their condition. But it would not, therefore, be a legitimate inference that the government itself, that crushes them, was one which they had voluntarily set up, or even consented to.

"Therefore, a man's voting under the Constitution of the United States, is not to be taken as evidence that he ever freely assented to the Constitution, *even for the time being*. Consequently we have no proof that any very large portion, even of the actual voters of the United States, ever really and voluntarily consented to the Constitution, *even for the time being*. Nor can we ever have such proof, until every man is left perfectly free to consent, or not, without thereby subjecting himself or his property to be disturbed or injured by others."

As we can have no legal knowledge as to who votes from choice, and who from the necessity thus forced upon him, we can have no legal knowledge, as to any particular individual, that he voted from choice; or, consequently, that by voting, he consented, or pledged himself, to support the government. Legally speaking, therefore, the act of voting utterly fails to pledge *any one* to support the government. It utterly fails to prove that the government rests upon the voluntary support of anybody. On general principles of law and reason, it cannot be said that the government has any voluntary supporters at all, until it can be distinctly shown who its voluntary supporters are.

4. As taxation is made compulsory on all, whether they vote or not, a large proportion of those who vote, no doubt do so to prevent their own money being used against themselves; when, in fact, they would have gladly abstained from voting, if they could thereby have saved themselves from taxation alone, to say nothing of being saved from all the other usurpations and tyrannies of the government. To take a man's property without his consent, and then to infer his consent because he attempts, by voting, to prevent that property from being used to his injury, is a very insufficient proof of his consent to support the Constitution. It is, in fact, no proof at all. And as we can have no legal knowledge as to who the par-

ticular individuals are, if there are any, who are willing to be taxed for the sake of voting, we can have no legal knowledge that any particular individual consents to be taxed for the sake of voting; or, consequently, consents to support the Constitution.

5. At nearly all elections, votes are given for various candidates for the same office. Those who vote for the unsuccessful candidates cannot properly be said to have voted to sustain the Constitution. They may, with more reason, be supposed to have voted, not to support the Constitution, but specially to prevent the tyranny which they anticipate the successful candidate intends to practice upon them under color of the Constitution; and therefore may reasonably be supposed to have voted against the Constitution itself. This supposition is the more reasonable, inasmuch as such voting is the only mode allowed to them of expressing their dissent to the Constitution.

6. Many votes are usually given for candidates who have no prospect of success. Those who give such votes may reasonably be supposed to have voted as they did, with a special intention, not to support, but to obstruct the execution of, the Constitution; and, therefore, against the Constitution itself.

7. As all the different votes are given secretly (by secret ballot), there is no legal means of knowing, from the votes themselves, who votes for, and who against, the Constitution. Therefore, voting affords no legal evidence that any particular individual supports the Constitution. And where there can be no legal evidence that any particular individual supports the Constitution, it cannot legally be said that anybody supports it. It is clearly impossible to have any legal proof of the intentions of large numbers of men, where there can be no legal proof of the intentions of any particular one of them.

8. There being no legal proof of any man's intentions, in voting, we can only conjecture them. As a conjecture, it is probable, that a very large proportion of those who vote, do so on this principle, viz., that if, by voting, they could but get the government into their own hands (or that of their friends), and use its powers against their opponents, they would then willingly support the Constitution; but if their opponents are to have the power, and use it against them, then they would *not* willingly support the Constitution.

In short, men's voluntary support of the Constitution is doubtless, in most cases, wholly contingent upon the question whether, by

means of the Constitution, they can make themselves masters, or are to be made slaves.

Such contingent consent as that is, in law and reason, no consent at all.

9. As everybody who supports the Constitution by voting (if there are any such) does so secretly (by secret ballot), and in a way to avoid all personal responsibility for the act of his agents or representatives, it cannot legally or reasonably be said that anybody at all supports the Constitution by voting. No man can reasonably or legally be said to do such a thing as to assent to, or support, the Constitution, *unless he does it openly, and in a way to make himself personally responsible for the acts of his agents, so long as they act within the limits of the power he delegates to them.*

10. As all voting is secret (by secret ballot), and as all secret governments are necessarily only secret bands of robbers, tyrants, and murderers, the general fact that our government is practically carried on by means of such voting, only proves that there is among us a secret band of robbers, tyrants and murderers, whose purpose is to rob, enslave, and, so far as necessary to accomplish their purposes, murder, the rest of the people. The simple fact of the existence of such a band does nothing towards proving that "the people of the United States," or any one of them, voluntarily supports the Constitution.

For all the reasons that have now been given, voting furnishes no legal evidence as to who the particular individuals are (if there are any), who voluntarily support the Constitution. It therefore furnishes no legal evidence that anybody supports it voluntarily.

So far, therefore, as voting is concerned, the Constitution, legally speaking, has no supporters at all.

And, as matter of fact, there is not the slightest probability that the Constitution has a single bona fide supporter in the country. That is to say, there is not the slightest probability that there is a single man in the country, who both understands what the Constitution really is, *and sincerely supports it for what it really is.*

The ostensible supporters of the Constitution, like the ostensible supporters of most other governments, are made up of three classes, viz.: 1. Knaves, a numerous and active class, who see in the government an instrument which they can use for their own aggrandizement or wealth. 2. Dupes — a large class, no doubt — each of whom,

because he is allowed one voice out of millions in deciding what he may do with his own person and his own property, and because he is permitted to have the same voice in robbing, enslaving, and murdering others, that others have in robbing, enslaving, and murdering himself, is stupid enough to imagine that he is a "free man," a "sovereign"; that this is "a free government"; "a government of equal rights," "the best government on earth,"^b and such like absurdities. 3. A class who have some appreciation of the evils of government, but either do not see how to get rid of them, or do not choose to so far sacrifice their private interests as to give themselves seriously and earnestly to the work of making a change.

III.

The payment of taxes, being compulsory, of course furnishes no evidence that any one voluntarily supports the Constitution.

1. It is true that the *theory* of our Constitution is, that all taxes are paid voluntarily; that our government is a mutual insurance company, voluntarily entered into by the people with each other; that each man makes a free and purely voluntary contract with all others who are parties to the Constitution, to pay so much money for so much protection, the same as he does with any other insurance company; and that he is just as free not to be protected, and not to pay tax, as he is to pay a tax, and be protected.

But this theory of our government is wholly different from the practical fact. The fact is that the government, like a highwayman, says to a man: "Your money, or your life." And many, if not most, taxes are paid under the compulsion of that threat.

The government does not, indeed, waylay a man in a lonely place, spring upon him from the roadside, and, holding a pistol to his head, proceed to rifle his pockets. But the robbery is none the less a robbery on that account; and it is far more dastardly and shameful.

The highwayman takes solely upon himself the responsibility, danger, and crime of his own act. He does not pretend that he has any rightful claim to your money, or that he intends to use it for your own benefit. He does not pretend to be anything but a robber. He has not acquired impudence enough to profess to be

^bSuppose it be "the best government on earth," does that prove its own goodness, or only the badness of all other governments?

merely a "protector," and that he takes men's money against their will, merely to enable him to "protect" those infatuated travellers, who feel perfectly able to protect themselves, or do not appreciate his peculiar system of protection. He is too sensible a man to make such professions as these. Furthermore, having taken your money, he leaves you, as you wish him to do. He does not persist in following you on the road, against your will; assuming to be your rightful "sovereign," on account of the "protection" he affords you. He does not keep "protecting" you, by commanding you to bow down and serve him; by requiring you to do this, and forbidding you to do that; by robbing you of more money as often as he finds it for his interest or pleasure to do so; and by branding you as a rebel, a traitor, and an enemy to your country, and shooting you down without mercy, if you dispute his authority, or resist his demands. He is too much of a gentleman to be guilty of such impostures, and insults, and villainies as these. In short, he does not, in addition to robbing you, attempt to make you either his dupe or his slave.

The proceedings of those robbers and murderers, who call themselves "the government," are directly the opposite of these of the single highwayman.

In the first place, they do not, like him, make themselves individually known; or, consequently, take upon themselves personally the responsibility of their acts. On the contrary, they secretly (by secret ballot) designate some one of their number to commit the robbery in their behalf, while they keep themselves practically concealed. They say to the person thus designated:

Go to A..... B....., and say to him that "the government" has need of money to meet the expenses of protecting him and his property. If he presumes to say that he has never contracted with us to protect him, and that he wants none of our protection, say to him that that is our business, and not his; that we *choose* to protect him, whether he desires us to do so or not; and that we demand pay, too, for protecting him. If he dares to inquire who the individuals are, who have thus taken upon themselves the title of "the government," and who assume to protect him, and demand payment of him, without his having ever made any contract with them, say to him that that, too, is our business, and not his; that we do not *choose* to make ourselves *individually* known to him; that we have secretly (by secret ballot) appointed you our agent to give him notice of our demands, and, if he complies with

them, to give him, in our name, a receipt that will protect him against any similar demand for the present year. If he refuses to comply, seize and sell enough of his property to pay not only our demands, but all your own expenses and trouble beside. If he resists the seizure of his property, call upon the bystanders to help you (doubtless some of them will prove to be members of our band). If, in defending his property, he should kill any of our band who are assisting you, capture him at all hazards; charge him (in one of our courts) with murder; convict him, and hang him. If he should call upon his neighbors, or any others who, like him, may be disposed to resist our demands, and they should come in large numbers to his assistance, cry out that they are all rebels and traitors; that "our country" is in danger; call upon the commander of our hired murderers; tell him to quell the rebellion and "save the country," cost what it may. Tell him to kill all who resist, though they should be hundreds of thousands; and thus strike terror into all others similarly disposed. See that the work of murder is thoroughly done; that we may have no further trouble of this kind hereafter. When these traitors shall have thus been taught our strength and our determination, they will be good loyal citizens for many years, and pay their taxes without a why or a wherefore.

It is under such compulsion as this that taxes, so called, are paid. And how much proof the payment of taxes affords, that the people consent to support "the government," it needs no further argument to show.

2. Still another reason why the payment of taxes implies no consent, or pledge, to support the government, is that the taxpayer does not know, and has no means of knowing, who the particular individuals are who compose "the government." To him "the government" is a myth, an abstraction, an incorporeality, with which he can make no contract, and to which he can give no consent, and make no pledge. He knows it only through its pretended agents. "The government" itself he never sees. He knows indeed, by common report, that certain persons, of a certain age, are permitted to vote; and thus to make themselves parts of, or (if they choose) opponents of, the government, for the time being. But who of them do thus vote, and especially how each one votes (whether so as to aid or oppose the government), he does not know; the voting being all done secretly (by secret ballot). Who, therefore, practically compose "the government," for the time being, he has no means of knowing. Of course he can make no contract with them, give

them no consent, and make them no pledge. Of necessity, therefore, his paying taxes to them implies, on his part, no contract, consent, or pledge to support them—that is, to support “the government,” or the Constitution.

3. Not knowing who the particular individuals are, who call themselves “the government,” the taxpayer does not know whom he pays his taxes to. All he knows is that a man comes to him, representing himself to be the agent of “the government”—that is, the agent of a secret band of robbers and murderers, who have taken to themselves the title of “the government,” and have determined to kill everybody who refuses to give them whatever money they demand. To save his life, he gives up his money to this agent. But as this agent does not make his principals individually known to the taxpayer, the latter, after he has given up his money, knows no more who are “the government”—that is, who were the robbers—than he did before. To say, therefore, that by giving up his money to their agent, he entered into a voluntary contract with them, that he pledges himself to obey them, to support them, and to give them whatever money they should demand of him in the future, is simply ridiculous.

4. All political power, as it is called, rests practically upon this matter of money. Any number of scoundrels, having money enough to start with, can establish themselves as a “government”; because, with money, they can hire soldiers, and with soldiers extort more money; and also compel general obedience to their will. It is with government, as Caesar said it was in war, that money and soldiers mutually supported each other; that with money he could hire soldiers, and with soldiers extort money. So these villains, who call themselves governments, well understand that their power rests primarily upon money. With money they can hire soldiers, and with soldiers extort money. And, when their authority is denied, the first use they always make of money, is to hire soldiers to kill or subdue all who refuse them more money.

For this reason, whoever desires liberty, should understand these vital facts, viz.: 1. That every man who puts money into the hands of a “government” (so called), puts into its hands a sword which will be used against himself, to extort more money from him, and also to keep him in subjection to its arbitrary will. 2. That those who will take his money, without his consent, in the first place, will use it for his further robbery and enslavement, if he presumes to resist their demands in the future. 3. That it is a perfect ab-

surdity to suppose that any body of men would ever take a man's money without his consent, for any such object as they profess to take it for, viz., that of protecting him; for why should they wish to protect him, if he does not wish them to do so? To suppose that they would do so, is just as absurd as it would be to suppose that they would take his money without his consent, for the purpose of buying food or clothing for him, when he did not want it. 4. If a man wants "protection," he is competent to make his own bargains for it; and nobody has any occasion to rob him, in order to "protect" him against his will. 5. That the only security men can have for their political liberty, consists in their keeping their money in their own pockets, until they have assurances, perfectly satisfactory to themselves, that it will be used as they wish it to be used, for their benefit, and not for their injury. 6. That no government, so called, can reasonably be trusted for a moment, or reasonably be supposed to have honest purposes in view, any longer than it depends wholly upon voluntary support.

These facts are all so vital and so self-evident, that it cannot reasonably be supposed that any one will voluntarily pay money to a "government," for the purpose of securing its protection, unless he first makes an explicit and purely voluntary contract with it for that purpose.

It is perfectly evident, therefore, that neither such voting, nor such payment of taxes, as actually takes place, proves anybody's consent, or obligation, to support the Constitution. Consequently we have no evidence at all that the Constitution is binding upon anybody, or that anybody is under any contract or obligation whatever to support it. And nobody is under any obligation to support it.

IV.

The Constitution not only binds nobody now, but it never did bind anybody. It never bound anybody, because it was never agreed to by anybody in such a manner as to make it, on general principles of law and reason, binding upon him.

It is a general principle of law and reason, that a *written* instrument binds no one until he has signed it. This principle is so inflexible a one, that even though a man is unable to write his name, he must still "make his mark," before he is bound by a written contract. This custom was established ages ago, when few men could write their names; when a clerk—that is, a man who could

write—was so rare and valuable a person, that even if he were guilty of high crimes, he was entitled to pardon, on the ground that the public could not afford to lose his services. Even at that time, a written contract must be signed; and men who could not write, either “made their mark,” or signed their contracts by stamping their seals upon wax affixed to the parchment on which their contracts were written. Hence the custom of affixing seals, that has continued to this time.

The law holds, and reason declares, that if a written instrument is not signed, the presumption must be that the party to be bound by it, did not choose to sign it, or to bind himself by it. And law and reason both give him until the last moment, in which to decide whether he will sign it, or not. Neither law nor reason requires or expects a man to agree to an instrument, *until it is written*; for until it is written, he cannot know its precise legal meaning. And when it is written, and he has had the opportunity to satisfy himself of its precise legal meaning, he is then expected to decide, and not before, whether he will agree to it or not. And if he do not *then* sign it, his reason is supposed to be, that he does not choose to enter into such a contract. The fact that the instrument was written for him to sign, or with the hope that he would sign it, goes for nothing.

Where would be the end of fraud and litigation, if one party could bring into court a written instrument, without any signature, and claim to have it enforced, upon the ground that it was written for another man to sign? that this other man had promised to sign it? that he ought to have signed it? that he had had the opportunity to sign it, if he would? but that he had refused or neglected to do so? Yet that is the most that could ever be said of the Constitution.^c The very judges, who profess to derive all their authority from the Constitution—from an instrument that nobody ever signed—would spurn any other instrument, not signed, that should be brought before them for adjudication.

Moreover, a written instrument must, in law and reason, not only be signed, but must also be delivered to the party (or to some one for him), in whose favor it is made, before it can bind the party making it. The signing is of no effect, unless the instrument be also delivered. And a party is at perfect liberty to refuse to

^cThe very men who drafted it, never signed it in any way to bind themselves by it, *as a contract*. And not one of them probably ever would have signed it in any way to bind himself by it, *as a contract*.

deliver a written instrument, after he has signed it. He is as free to refuse to deliver it, as he is to refuse to sign it. The Constitution was not only never signed by anybody, but it was never delivered by anybody, or to anybody's agent or attorney. It can therefore be of no more validity as a contract, than can any other instrument, that was never signed or delivered.

V.

As further evidence of the general sense of mankind, as to the practical necessity there is that all men's *important* contracts, especially those of a permanent nature, should be both written and signed, the following facts are pertinent.

For nearly two hundred years — that is, since 1677 — there has been on the statute book of England, and the same, in substance, if not precisely in letter, has been re-enacted, and is now in force, in nearly or quite all the States of this Union, a statute, the general object of which is to declare that no action shall be brought to enforce contracts of the more important class, *unless they are put in writing, and signed by the parties to be held chargeable upon them.*^d

^dI have personally examined the statute books of the following States, viz.: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Texas, Arkansas, Missouri, Iowa, Minnesota, Nebraska, Kansas, Nevada, California, and Oregon, and find that in all these States the English statute has been re-enacted, sometimes with modifications, but generally enlarging its operations, and is now in force.

The following are some of the provisions of the Massachusetts statute:

"No action shall be brought in any of the following cases, that is to say: . . .

"To charge a person upon a special promise to answer for the debt, default, or misdoings of another: . . .

"Upon a contract for the sale of lands, tenements, hereditaments, or of any interest in, or concerning them; or

"Upon an agreement that is not to be performed within one year from the writing thereof:

"Unless the promise, contract, or agreement, upon which such action is brought, or some memorandum or note thereof, is in writing, and signed by the party to be charged therewith, or by some person thereunto by him lawfully authorized."

"No contract for the sale of goods, wares, or merchandise, for the price of fifty dollars or more, shall be good or valid, unless the purchaser accepts and receives part of the goods so sold, or gives something in earnest to bind the bargain, or in part payment; or unless some note or memorandum in writing of the bargain is made and signed by the party to be charged thereby, or by some person thereunto by him lawfully authorized."

The principle of the statute, be it observed, is, not merely that written contracts shall be signed, but also that all contracts, except those specially exempted — generally those that are for small amounts, and are to remain in force but for a short time — *shall be both written and signed*.

The reason of the statute, on this point, is, that it is now so easy a thing for men to put their contracts in writing, and sign them, and their failure to do so opens the door to so much doubt, fraud, and litigation, that men who neglect to have their contracts — of any considerable importance — written and signed, ought not to have the benefit of courts of justice to enforce them. And this reason is a wise one; and that experience has confirmed its wisdom and necessity, is demonstrated by the fact that it has been acted upon in England for nearly two hundred years, and has been so nearly universally adopted in this country, and that nobody thinks of repealing it.

We all know, too, how careful most men are to have their contracts written and signed, even when this statute does not require it. For example, most men, if they have money due them, of no larger amount than five or ten dollars, are careful to take a note for it. If they buy even a small bill of goods, paying for it at the time of delivery, they take a receipted bill for it. If they pay a small balance of a book account, or any other small debt previously contracted, they take a written receipt for it.

Furthermore, the law everywhere (probably) in our country, as well as in England, requires that a large class of contracts, such as wills, deeds, etc., shall not only be written and signed, but also sealed, witnessed, and acknowledged. And in the case of married women conveying their rights in real estate, the law, in many States, requires that the women shall be examined separate and apart from their husbands, and declare that they sign their contracts free of any fear or compulsion of their husbands.

Such are some of the precautions which the laws require, and which individuals — from motives of common prudence, even in cases not required by law — take, to put their contracts in writing, and have them signed, and, to guard against all uncertainties and controversies in regard to their meaning and validity. And yet we have what purports, or professes, or is claimed, to be a contract — the Constitution — made eighty years ago, by men who are now all dead, and who never had any power to bind *us*, but which (it

is claimed) has nevertheless bound three generations of men, consisting of many millions, and which (it is claimed) will be binding upon all the millions that are to come; but which nobody ever signed, sealed, delivered, witnessed, or acknowledged; and which few persons, compared with the whole number that are claimed to be bound by it, have ever read, or even seen, or ever will read, or see. And of those who ever have read it, or ever will read it, scarcely any two, perhaps no two, have ever agreed, or ever will agree, as to what it means.

Moreover, this supposed contract, which would not be received in any court of justice sitting under its authority, if offered to prove a debt of five dollars, owing by one man to another, is one by which—as it is generally interpreted by those who pretend to administer it—all men, women and children throughout the country, and through all time, surrender not only all their property, but also their liberties, and even lives, into the hands of men who by this supposed contract, are expressly made wholly irresponsible for their disposal of them. And we are so insane, or so wicked, as to destroy property and lives without limit, in fighting to compel men to fulfill a supposed contract, which, inasmuch as it has never been signed by anybody, is, on general principles of law and reason—such principles as we are all governed by in regard to other contracts—the merest waste paper, binding upon nobody, fit only to be thrown into the fire; or, if preserved, preserved only to serve as a witness and a warning of the folly and wickedness of mankind.

VI.

It is no exaggeration, but a literal truth, to say that, by the Constitution—not as I interpret it, but as it is interpreted by those who pretend to administer it—the properties, liberties, and lives of the entire people of the United States are surrendered unreservedly into the hands of men who, it is provided by the Constitution itself, shall never be “questioned” as to any disposal they make of them.

Thus the Constitution (Art. I, Sec. 6) provides that, “for any speech or debate (or vote), in either house, they (the senators and representatives) shall not be questioned in any other place.”

The whole law-making power is given to these senators and

representatives (when acting by a two-thirds vote)^e; and this provision protects them from all responsibility for the laws they make.

The Constitution also enables them to secure the execution of all their laws, by giving them power to withhold the salaries of, and to impeach and remove, all judicial and executive officers, who refuse to execute them.

Thus the whole power of the government is in their hands, and they are made utterly irresponsible for the use they make of it. What is this but absolute, irresponsible power?

It is no answer to this view of the case to say that these men are under oath to use their power only within certain limits; for what care they, or what should they care, for oaths or limits, when it is expressly provided, by the Constitution itself, that they shall never be "questioned," or held to any responsibility whatever, for violating their oaths, or transgressing those limits?

Neither is it any answer to this view of the case to say that the particular individuals holding this power can be changed once in two or six years; for the power of each set of men is absolute during the term for which they hold it; and when they can hold it no longer, they are succeeded only by men whose power will be equally absolute and irresponsible.

Neither is it any answer to this view of the case to say that the men holding this absolute, irresponsible power, must be men chosen by the people (or portions of them) to hold it. A man is none the less a slave because he is allowed to choose a new master once in a term of years. Neither are a people any the less slaves because permitted periodically to choose new masters. What makes them slaves is the fact that they now are, and are always hereafter to be, in the hands of men whose power over them is, and always is to be, absolute and irresponsible.^f

The right of absolute and irresponsible dominion is the right of property, and the right of property is the right of absolute, irresponsible dominion. The two are identical; the one necessarily implying the other. Neither can exist without the other. If, therefore,

^eAnd this two-thirds vote may be but two-thirds of a quorum—that is two-thirds of a majority—instead of two-thirds of the whole.

^fOf what appreciable value is it to any man, as an individual, that he is allowed a voice in choosing these public masters? His voice is only one of several millions.

Congress have that absolute and irresponsible law-making power, which the Constitution — according to their interpretation of it — gives them, it can only be because they own us as property. If they own us as property, they are our masters, and their will is our law. If they do not own us as property, they are not our masters, and their will, as such, is of no authority over us.

But these men who claim and exercise this absolute and irresponsible dominion over us, dare not be consistent, and claim either to be our masters, or to own us as property. They say they are only our servants, agents, attorneys, and representatives. But this declaration involves an absurdity, a contradiction. No man can be my servant, agent, attorney, or representative, and be, at the same time, uncontrollable by me, and irresponsible to me for his acts. It is of no importance that I appointed him, and put all power in his hands. If I made him uncontrollable by me, and irresponsible to me, he is no longer my servant, agent, attorney, or representative. If I gave him absolute, irresponsible power over my property, I gave him the property. If I gave him absolute, irresponsible power over myself, I made him my master, and gave myself to him as a slave. And it is of no importance whether I called him master or servant, agent or owner. The only question is, what power did I put into his hands? Was it an absolute and irresponsible one? or a limited and responsible one?

For still another reason they are neither our servants, agents, attorneys, nor representatives. And that reason is, that we do not make ourselves responsible for their acts. If a man is my servant, agent, or attorney, I necessarily make myself responsible for all his acts done within the limits of the power I have intrusted to him. If I have intrusted him, as my agent, with either absolute power, or any power at all, over the persons or properties of other men than myself, I thereby necessarily make myself responsible to those other persons for any injuries he may do them, so long as he acts within the limits of the power I have granted him. But no individual who may be injured in his person or property, by acts of Congress, can come to the individual electors, and hold them responsible for these acts of their so-called agents or representatives. This fact proves that these pretended agents of the people, of everybody, are really the agents of nobody.

If, then, nobody is individually responsible for the acts of Congress, the members of Congress are nobody's agents. And if they

are nobody's agents, they are themselves individually responsible for their own acts, and for the acts of all whom they employ. And the authority they are exercising is simply their own individual authority; and, by the law of nature—the highest of all laws—anybody injured by their acts, anybody who is deprived by them of his property or his liberty, has the same right to hold them individually responsible, that he has to hold any other trespasser individually responsible. He has the same right to resist them, and their agents, that he has to resist any other trespassers.

VII.

It is plain, then, that on general principles of law and reason—such principles as we all act upon in courts of justice and in common life—the Constitution is no contract; that it binds nobody, and never did bind anybody; and that all those who pretend to act by its authority, are really acting without any legitimate authority at all; that, on general principles of law and reason, they are mere usurpers, and that everybody not only has the right, but is morally bound, to treat them as such.

If the people of this country wish to maintain such a government as the Constitution describes, there is no reason in the world why they should not sign the instrument itself, and thus make known their wishes in an open, authentic manner; in such manner as the common sense and experience of mankind have shown to be reasonable and necessary in such cases; *and in such manner as to make themselves (as they ought to do) individually responsible for the acts of the government.* But the people have never been asked to sign it. And the only reason why they have never been asked to sign it, has been that it has been known that they never would sign it; that they were neither such fools nor knaves as they must needs have been to be willing to sign it; that (at least as it has been practically interpreted) it is not what any sensible and honest man wants for himself; nor such as he has any right to impose upon others. It is, to all moral intents and purposes, as destitute of obligation as the compacts which robbers and thieves and pirates enter into with each other, but never sign.

If any considerable number of the people believe the Constitution to be good, why do they not sign it themselves, and make laws for, and administer them upon, each other; leaving all other persons (who do not interfere with them) in peace? Until they have tried the experiment for themselves, how can they have the face to

impose the Constitution upon, or even to recommend it to, others? Plainly the reason for such absurd and inconsistent conduct is that they want the Constitution, not solely for any honest or legitimate use it can be of to themselves or others, but for the dishonest and illegitimate power it gives them over the persons and properties of others. But for this latter reason, all their eulogiums on the Constitution, all their exhortations, and all their expenditures of money and blood to sustain it, would be wanting.

VIII.

The Constitution itself, then, being of no authority, on what authority does our government practically rest? On what ground can those who pretend to administer it, claim the right to seize men's property, to restrain them of their natural liberty of action, industry, and trade, and to kill all who deny their authority to dispose of men's properties, liberties, and lives at their pleasure or discretion?

The most they can say, in answer to this question, is, that some half, two-thirds, or three-fourths, of the male adults of the country have a *tacit understanding* that they will maintain a government under the Constitution; that they will select, by ballot, the persons to administer it; and that those persons who may receive a majority, or a plurality, of their ballots, shall act as their representatives, and administer the Constitution in their name, and by their authority.

But this tacit understanding (admitting it to exist) cannot at all justify the conclusion drawn from it. A tacit understanding between A, B, and C, that they will, by ballot, depute D as their agent, to deprive me of my property, liberty, or life, cannot at all authorize D to do so. He is none the less a robber, tyrant, and murderer, because he claims to act as their agent, than he would be if he avowedly acted on his own responsibility alone.

Neither am I bound to recognize him as their agent, nor can he legitimately claim to be their agent, when he brings no *written* authority from them accrediting him as such. I am under no obligation to take his word as to who his principals may be, or whether he has any. Bringing no credentials, I have a right to say he has no such authority even as he claims to have: and that he is therefore intending to rob, enslave, or murder me on his own account.

This tacit understanding, therefore, among the voters of the country, amounts to nothing as an authority to their agents. Neither do the ballots by which they select their agents, avail any more

than does their tacit understanding; for their ballots are given in secret, and therefore in a way to avoid any personal responsibility for the acts of their agents.

No body of men can be said to authorize a man to act as their agent, to the injury of a third person, unless they do it in so open and authentic a manner as to make themselves personally responsible for his acts. None of the voters in this country appoint their political agents in any open, authentic manner, or in any manner to make themselves responsible for their acts. Therefore these pretended agents cannot legitimately claim to be really agents. Somebody must be responsible for the acts of these pretended agents; and if they cannot show any open and authentic credentials from their principals, they cannot, in law or reason, be said to have any principals. The maxim applies here, that what does not appear, does not exist. If they can show no principals, they have none.

But even these pretended agents do not themselves know who their pretended principals are. These latter act in secret; for acting by secret ballot is acting in secret as much as if they were to meet in secret conclave in the darkness of the night. And they are personally as much unknown to the agents they select, as they are to others. No pretended agent therefore can ever know by whose ballots he is selected, or consequently who his real principals are. Not knowing who his principals are, he has no right to say that he has any. He can, at most, say only that he is the agent of a secret band of robbers and murderers, who are bound by that faith which prevails among confederates in crime, to stand by him, if his acts, done in their name, shall be resisted.

Men honestly engaged in attempting to establish justice in the world, have no occasion thus to act in secret; or to appoint agents to do acts for which they (the principals) are not willing to be responsible.

The secret ballot makes a secret government; and a secret government is a secret band of robbers and murderers. Open despotism is better than this. The single despot stands out in the face of all men, and says: I am the State: My will is law: I am your master: I take the responsibility of my acts: The only arbiter I acknowledge is the sword: If any one denies my right, let him try conclusions with me.

But a secret government is little less than a government of assassins. Under it, a man knows not who his tyrants are, until they have struck, and perhaps not then. He may *guess*, beforehand,

as to some of his immediate neighbors. But he really knows nothing. The man to whom he would most naturally fly for protection, may prove an enemy, when the time of trial comes.

This is the kind of government we have; and it is the only one we are likely to have, until men are ready to say: We will consent to no Constitution, except such an one as we are neither ashamed nor afraid to sign; and we will authorize no government to do anything in our name which we are not willing to be personally responsible for.

IX.

What is the motive to the secret ballot? This, and only this: Like other confederates in crime, those who use it are not friends, but enemies; and they are afraid to be known, and to have their individual doings known, even to each other. They can contrive to bring about a sufficient understanding to enable them to act in concert against other persons; but beyond this they have no confidence, and no friendship, among themselves. In fact, they are engaged quite as much in schemes for plundering each other, as in plundering those who are not of them. And it is perfectly well understood among them that the strongest party among them will, in certain contingencies, murder each other by the hundreds of thousands (as they lately did do) to accomplish their purposes against each other. Hence they dare not be known, and have their individual doings known, even to each other. And this is avowedly the only reason for the ballot: for a secret government; a government by secret bands of robbers and murderers. And we are insane enough to call this liberty! To be a member of this secret band of robbers and murderers is esteemed a privilege and an honor! Without this privilege, a man is considered a slave; but with it a free man! With it he is considered a free man, because he has the same power to secretly (by secret ballot) procure the robbery, enslavement, and murder of another man, and that other man has to procure his robbery, enslavement, and murder. And this they call equal rights!

If any number of men, many or few, claim the right to govern the people of this country, let them make and sign an open compact with each other to do so. Let them thus make themselves individually known to those whom they propose to govern. And let them thus openly take the legitimate responsibility of their acts. How many of those who now support the Constitution, will ever do

this? How many will ever dare openly proclaim their right to govern? or take the legitimate responsibility of their acts? Not one!

X.

It is obvious that, on general principles of law and reason, there exists no such thing as a government created by, or resting upon, any consent, compact, or agreement of "the people of the United States" with each other; that the only visible, tangible, responsible government that exists, is that of a few individuals only, who act in concert, and call themselves by the several names of senators, representatives, presidents, judges, marshals, treasurers, collectors, generals, colonels, captains, etc., etc.

On general principles of law and reason, it is of no importance whatever that those few individuals profess to be the agents and representatives of "the people of the United States"; since they can show no credentials from the people themselves; they were never appointed as agents or representatives in any open, authentic manner; they do not themselves know, and have no means of knowing, and cannot prove, who their principals (as they call them) are individually; and consequently cannot, in law or reason, be said to have any principals at all.

It is obvious, too, that if these alleged principals ever did appoint these pretended agents, or representatives, they appointed them secretly (by secret ballot), and in a way to avoid all personal responsibility for their acts; that, at most, these alleged principals put these pretended agents forward for the most criminal purposes, viz.: to plunder the people of their property, and restrain them of their liberty; and that the only authority that these alleged principals have for so doing, is simply a *tacit understanding* among themselves that they will imprison, shoot, or hang every man who resists the exactions and restraints which their agents or representatives may impose upon them.

Thus it is obvious that the only visible, tangible government we have is made up of these professed agents or representatives of a secret band of robbers and murderers, who, to cover up, or gloss over, their robberies and murders, have taken to themselves the title of "the people of the United States"; and who, on the pretense of being "the people of the United States," assert their right to subject to their dominion, and to control and dispose of at their pleasure, all property and persons found in the United States.

XI.

On general principles of law and reason, the oaths which these pretended agents of the people take "to support the Constitution," are of no validity or obligation. And why? For this, if for no other reason, viz., *that they are given to nobody*. There is no privity (as the lawyers say) — that is, no mutual recognition, consent, and agreement — between those who take these oaths, and any other persons.

If I go upon Boston Common, and in the presence of a hundred thousand people, men, women and children, with whom I have no contract on the subject, take an oath that I will enforce upon them the laws of Moses, of Lycurgus, of Solon, of Justinian, or of Alfred, that oath is, on general principles of law and reason, of no obligation. It is of no obligation, not merely because it is intrinsically a criminal one, *but also because it is given to nobody*, and consequently pledges my faith to nobody. It is merely given to the winds.

It would not alter the case at all to say that, among these hundred thousand persons, in whose presence the oath was taken, there were two, three, or five thousand male adults, who had *secretly*—by secret ballot, and in a way to avoid making themselves *individually* known to me, or to the remainder of the hundred thousand—designated me as their agent to rule, control, plunder, and, if need be, murder, these hundred thousand people. The fact that they had designated me secretly, and in a manner to prevent my knowing them individually, prevents all privity between them and me; and consequently makes it impossible that there can be any contract, or pledge of faith, on my part towards them; for it is impossible that I can pledge my faith, in any legal sense, to a man whom I neither know, nor have any means of knowing, individually.

So far as I am concerned, then, these two, three, or five thousand persons are a secret band of robbers and murderers, who have secretly, and in a way to save themselves from all responsibility for my acts, designated me as their agent; and have, through some other agent, or pretended agent, made their wishes known to me. But being, nevertheless, individually unknown to me, and having no open, authentic contract with me, my oath is, on general principles of law and reason, of no validity as a pledge of faith to them. And being no pledge of faith to them, it is no pledge of faith to anybody. It is mere idle wind. At most, it is only a pledge of

faith to an unknown band of robbers and murderers, whose instrument for plundering and murdering other people, I thus publicly confess myself to be. And it has no other obligation than a similar oath given to any other unknown body of pirates, robbers, and murderers.

For these reasons the oaths taken by members of Congress, "to support the Constitution," are, on general principles of law and reason, of no validity. They are not only criminal in themselves, and therefore void; but they are also void for the further reason *that they are given to nobody*.

It cannot be said that, in any legitimate or legal sense, they are given to "the people of the United States"; because neither the whole, nor any large proportion of the whole, people of the United States ever, either openly or secretly, appointed or designated these men as their agents to carry the Constitution into effect. The great body of the people—that is, men, women and children—were never asked, or even permitted, to signify, in any *formal* manner, either openly or secretly, their choice or wish on the subject. The most that these members of Congress can say, in favor of their appointment, is simply this: Each one can say for himself:

I have evidence satisfactory to myself, that there exists, scattered throughout the country, a band of men, having a tacit understanding with each other, and calling themselves "the people of the United States," whose general purposes are to control and plunder each other, and all other persons in the country, and, so far as they can, even in neighboring countries; and to kill every man who shall attempt to defend his person and property against their schemes of plunder and dominion. Who these men are, *individually*, I have no certain means of knowing, for they sign no papers, and give no open, authentic evidence of their individual membership. They are not known individually even to each other. They are apparently as much afraid of being individually known to each other, as of being known to other persons. Hence they ordinarily have no mode either of exercising, or of making known, their individual membership, otherwise than by giving their votes secretly for certain agents to do their will. But although these men are individually unknown, both to each other and to other persons, it is generally understood in the country that none but male persons, of the age of twenty-one years and upwards, can be members. It is also generally understood that *all* male persons, born in the country, having certain complexions, and (in some localities) cer-

tain amounts of property, and (in certain cases) even persons of foreign birth, are *permitted* to be members. But it appears that usually not more than one half, two-thirds, or, in some cases, three-fourths, of all who are thus permitted to become members of the band, ever exercise, or consequently prove, their actual membership, in the only mode in which they ordinarily can exercise or prove it, viz., by giving their votes secretly for the officers or agents of the band. The number of these secret votes, so far as we have any account of them, varies greatly from year to year, thus tending to prove that the band, instead of being a permanent organization, is a merely *pro tempore* affair with those who choose to act with it for the time being. The gross number of these secret votes, or what purports to be their gross number, in different localities, is occasionally published. Whether these reports are accurate or not, we have no means of knowing. It is generally supposed that great frauds are often committed in depositing them. They are understood to be received and counted by certain men, who are themselves appointed for that purpose by the same secret process by which all other officers and agents of the band are selected. According to the reports of these receivers of votes (for whose accuracy or honesty, however, I cannot vouch), and according to my best knowledge of the whole number of male persons "in my district," who (it is supposed) were permitted to vote, it would appear that one-half, two-thirds or three-fourths actually did vote. Who the men were, individually, who cast these votes, I have no knowledge, for the whole thing was done secretly. But of the secret votes thus given for what they call a "member of Congress," the receivers reported that I had a majority, or at least a larger number than any other one person. And it is only by virtue of such a designation that I am now here to act in concert with other persons similarly selected in other parts of the country. It is understood among those who sent me here, that all the persons so selected, will, on coming together at the City of Washington, take an oath in each other's presence "to support the Constitution of the United States." By this is meant a certain paper that was drawn up eighty years ago. It was never signed by anybody, and apparently has no obligation, and never had any obligation, as a contract. In fact, few persons ever read it, and doubtless much the largest number of those who voted for me and the others, never even saw it, or now pretend to know what it means. Nevertheless, it is

often spoken of in the country as "the Constitution of the United States"; and for some reason or another, the men who sent me here, seem to expect that I, and all with whom I act, will swear to carry this Constitution into effect. I am therefore ready to take this oath, and to co-operate with all others, similarly selected, who are ready to take the same oath.

This is the most that any member of Congress can say in proof that he has any constituency; that he represents anybody; that his oath "to support the Constitution," is *given to anybody*, or pledges his faith to *anybody*. He has no open, written, or other authentic evidence, such as is required in all other cases, that he was ever appointed the agent or representative of anybody. He has no written power of attorney from any single individual. He has no such legal knowledge as is required in all other cases, by which he can identify a single one of those who pretend to have appointed him to represent them.

Of course his oath, professedly given to them, "to support the Constitution," is, on general principles of law and reason, an oath given to nobody. It pledges his faith to nobody. If he fails to fulfil his oath, not a single person can come forward, and say to him, you have betrayed me, or broken faith with me.

No one can come forward and say to him: I appointed you my attorney to act for me. I required you to swear that, as my attorney, you would support the Constitution. You promised me that you would do so; and now you have forfeited the oath you gave to me. No single individual can say this.

No open, avowed, or responsible association, or body of men, can come forward and say to him: We appointed you our attorney, to act for us. We required you to swear that, as our attorney, you would support the Constitution. You promised us that you would do so; and now you have forfeited the oath you gave to us.

No open, avowed, or responsible association, or body of men, can say this to him; because there is no such association or body of men in existence. If any one should assert that there is such an association, let him prove, if he can, who compose it. Let him produce, if he can, any open, written, or other authentic contract, signed or agreed to by these men; forming themselves into an association; making themselves known as such to the world; appointing him as their agent; and making themselves individually, or as an association, responsible for his acts, done by their authority.

Until all this can be shown, no one can say that, in any legitimate sense, there is any such association; or that he is their agent; or that he ever gave his oath to them; or ever pledged his faith to them.

On general principles of law and reason, it would be a sufficient answer for him to say, to all individuals, and all pretended associations of individuals, who should accuse him of a breach of faith to them:

I never knew you. Where is your evidence that you, either individually or collectively, ever appointed me your attorney? that you ever required me to swear to you, that, as your attorney, I would support the Constitution? or that I have now broken any faith I ever pledged to you? You may, or you may not, be members of that secret band of robbers and murderers, who act in secret; appoint their agents by a secret ballot; who keep themselves individually unknown even to the agents they thus appoint; and who, therefore, cannot claim that they have any agents; or that any of their pretended agents ever gave his oath, or pledged his faith, to them. I repudiate you altogether. My oath was given to others, with whom you have nothing to do; or it was idle wind, given only to the idle winds. Begone!

XII.

For the same reasons, the oaths of all the other pretended agents of this secret band of robbers and murderers are, on general principles of law and reason, equally destitute of obligation. They are given to nobody; but only to the winds.

The oaths of the tax-gatherers and treasurers of the band, are, on general principles of law and reason, of no validity. If any tax gatherer, for example, should put the money he receives into his own pocket, and refuse to part with it, the members of this band could not say to him: You collected that money as our agent, and for our uses; and you swore to pay it over to us, or to those we should appoint to receive it. You have betrayed us, and broken faith with us.

It would be a sufficient answer for him to say to them:

I never knew you. You never made yourselves individually known to me. I never gave my oath to you, as individuals. You may, or you may not, be members of that secret band, who appoint agents to rob and murder other people; but who are cautious not to make themselves individually known, either to such agents, or

to those whom their agents are commissioned to rob. If you are members of that band, you have given me no proof that you ever commissioned me to rob others for your benefit. I never knew you, as individuals, and of course never promised you that I would pay over to you the proceeds of my robberies. I committed my robberies on my own account, and for my own profit. If you thought I was fool enough to allow you to keep yourselves concealed, and use me as your tool for robbing other persons; or that I would take all the personal risk of the robberies, and pay over the proceeds to you, you were particularly simple. As I took all the risk of my robberies, I propose to take all the profits. Begone! You are fools, as well as villains. If I gave my oath to anybody, I gave it to other persons than you. But I really gave it to nobody. I only gave it to the winds. It answered my purposes at the time. It enabled me to get the money I was after, and now I propose to keep it. If you expected me to pay it over to you, you relied only upon that honor that is said to prevail among thieves. You now understand that that is a very poor reliance. I trust you may become wise enough to never rely upon it again. If I have any duty in the matter, it is to give back the money to those from whom I took it; not to pay it over to such villains as you.

XIII.

On general principles of law and reason, the oaths which foreigners take, on coming here, and being "naturalized" (as it is called), are of no validity. They are necessarily given to nobody; because there is no open, authentic association, to which they can join themselves; or to whom, as individuals, they can pledge their faith. No such association, or organization, as "the people of the United States," having ever been formed by any open, written, authentic, or voluntary contract, there is, on general principles of law and reason, no such association, or organization, in existence. And all oaths that purport to be given to such an association are necessarily given only to the winds. They cannot be said to be given to any man, or body of men, as individuals, because no man, or body of men, can come forward *with any proof* that the oaths were given to them, as individuals, or to any association of which they are members. To say that there is a tacit understanding among a portion of the male adults of the country, that they will call themselves "the people of the United States," and that they will act in

concert in subjecting the remainder of the people of the United States to their dominion; but that they will keep themselves personally concealed by doing all their acts secretly, is wholly insufficient, on general principles of law and reason, to prove the existence of any such association, or organization, as "the people of the United States"; or consequently to prove that the oaths of foreigners were given to any such association.

XIV.

On general principles of law and reason, all the oaths which, since the war, have been given by Southern men, that they will obey the laws of Congress, support the Union, and the like, are of no validity. Such oaths are invalid, not only because they were extorted by military power, and threats of confiscation, and because they are in contravention of men's natural right to do as they please about supporting the government, *but also because they were given to nobody*. They were nominally given to "the United States." But being nominally given to "the United States," they were necessarily given to nobody, because, on general principles of law and reason, there were no "United States," to whom the oaths could be given. That is to say, there was no open, authentic, avowed, legitimate association, corporation, or body of men, known as "the United States," or as "the people of the United States," to whom the oaths could have been given. If anybody says there was such a corporation, let him state who were the individuals that composed it, and how and when they became a corporation. Were Mr. A, Mr. B, and Mr. C members of it? If so, where are their signatures? Where the evidence of their membership? Where the record? Where the open, authentic proof? There is none. Therefore, in law and reason, there was no such corporation.

On general principles of law and reason, every corporation, association, or organized body of men, having a legitimate corporate existence, and legitimate corporate rights, must consist of certain known individuals, who can prove, by legitimate and reasonable evidence, their membership. But nothing of this kind can be proved in regard to the corporation, or body of men, who call themselves "the United States." Not a man of them, in all the Northern States, can prove by any legitimate evidence, such as is required to prove membership in other legal corporations, that he himself, or any other man whom he can name, is a member of any corporation or

association called "the United States," or "the people of the United States," or, consequently, that there is any such corporation. And since no such corporation can be proved to exist, it cannot of course be proved that the oaths of Southern men were given to any such corporation. The most that can be claimed is that the oaths were given to a secret band of robbers and murderers, who called themselves "the United States," and extorted those oaths. But that certainly is not enough to prove that the oaths are of any obligation.

XV.

On general principles of law and reason, the oaths of soldiers, that they will serve a given number of years, that they will obey the orders of their superior officers, that they will bear true allegiance to the government, and so forth, are of no obligation. Independently of the criminality of an oath, that, for a given number of years, he will kill all whom he may be commanded to kill, without exercising his own judgment or conscience as to the justice or necessity of such killing, there is this further reason why a soldier's oath is of no obligation, viz., that, like all the other oaths that have now been mentioned, *it is given to nobody*. There being, in no legitimate sense, any such corporation, or nation, as "the United States," nor, consequently, in any legitimate sense, any such government as "the government of the United States," a soldier's oath given to, or contract made with, such nation or government, is necessarily an oath given to, or a contract made with, nobody. Consequently such oath or contract can be of no obligation.

XVI.

On general principles of law and reason, the treaties, so called, which purport to be entered into with other nations, by persons calling themselves ambassadors, secretaries, presidents, and senators of the United States, in the name, and in behalf, of "the people of the United States," are of no validity. These so-called ambassadors, secretaries, presidents, and senators, who claim to be the agents of "the people of the United States," for making these treaties, can show no open, written, or other authentic evidence that either the whole "people of the United States," or any other open, avowed, responsible body of men, calling themselves by that name, ever authorized these pretended ambassadors and others to make treaties in the name of, or binding upon any one of, "the people

of the United States," or any other open, avowed, responsible body of men, calling themselves by that name, ever authorized these pretended ambassadors, secretaries, and others, in their name and behalf, to recognize certain other persons, calling themselves emperors, kings, queens, and the like, as the rightful rulers, sovereigns, masters, or representatives of the different peoples whom they assume to govern, to represent, and to bind.

The "nations," as they are called, with whom our pretended ambassadors, secretaries, presidents, and senators profess to make treaties, are as much myths as our own. On general principles of law and reason, there are no such "nations." That is to say, neither the whole people of England, for example, nor any open, avowed, responsible body of men, calling themselves by that name, ever, by any open, written, or other authentic contract with each other, formed themselves into any bona fide, legitimate association or organization, or authorized any king, queen, or other representative to make treaties in their name, or to bind them, either individually, or as an association, by such treaties.

Our pretended treaties, then, being made with no legitimate or bona fide nations, or representatives of nations, and being made, on our part, by persons who have no legitimate authority to act for us, have intrinsically no more validity than a pretended treaty made by the Man in the Moon with the king of the Pleiades.

XVII.

On general principles of law and reason, debts contracted in the name of "the United States," or of "the people of the United States," are of no validity. It is utterly absurd to pretend that debts to the amount of twenty-five hundred millions of dollars⁵ are binding upon thirty-five or forty millions of people, when there is not a particle of legitimate evidence—such as would be required to prove a private debt—that can be produced against any one of them, that either he, or his properly authorized attorney, ever contracted to pay one cent.

Certainly, neither the whole people of the United States, nor

⁵[A reference to the national debt in December, 1869, which totaled \$2,453,000,000 and the approximate population of the country, 39,818,449 people, according to the census the next year. A furious controversy was going on when this was written as to how this debt was to be paid. See James G. Randall, *The Civil War and Reconstruction* (Boston: D. C. Heath & Co., 1937), pp. 832-836.]

any number of them, ever separately or individually contracted to pay a cent of these debts.

Certainly, also, neither the whole people of the United States, nor any number of them, ever, by any open, written, or other authentic and voluntary contract, united themselves as a firm, corporation, or association, by the name of "the United States," or "the people of the United States," and authorized their agents to contract debts in their name.

Certainly, too, there is in existence no such firm, corporation, or association as "the United States," or "the people of the United States," formed by any open, written, or other authentic and voluntary contract, and having corporate property with which to pay these debts.

How, then, is it possible, on any general principle of law or reason, that debts that are binding upon nobody individually, can be binding upon forty millions of people collectively, when, on general and legitimate principles of law and reason, these forty millions of people neither have, nor ever had, any corporate property? never made any corporate or individual contract? and neither have, nor ever had, any corporate existence?

Who, then, created these debts, in the name of "the United States"? Why, at most, only a few persons, calling themselves "members of Congress," etc., who pretended to represent "the people of the United States," but who really represented only a secret band of robbers and murderers, who wanted money to carry on the robberies and murders in which they were then engaged; and who intended to extort from the future people of the United States, by robbery and threats of murder (and real murder, if that should prove necessary), the means to pay these debts.

This band of robbers and murderers, who were the real principals in contracting these debts, is a secret one, because its members have never entered into any open, written, avowed, or authentic contract, by which they may be individually known to the world, or even to each other. Their real or pretended representatives, who contracted these debts in their name, were selected (if selected at all) for that purpose secretly (by secret ballot), and in a way to furnish evidence against none of the principals *individually*; and these principals were really known *individually* neither to their pretended representatives who contracted these debts in their behalf, nor to those who lent the money. The money, therefore, was all

borrowed and lent in the dark; that is, by men who did not see each other's faces, or know each other's names; who could not then, and cannot now, identify each other as principals in the transactions; and who consequently can prove no contract with each other.

Furthermore, the money was all lent and borrowed for criminal purposes; that is, for purposes of robbery and murder; and for this reason the contracts were all intrinsically void; and would have been so, even though the real parties, borrowers and lenders, had come face to face, and made their contracts openly, in their own proper names.

Furthermore, this secret band of robbers and murderers, who were the real borrowers of this money, having no legitimate corporate existence, have no corporate property with which to pay these debts. They do indeed pretend to own large tracts of wild lands, lying between the Atlantic and Pacific Oceans, and between the Gulf of Mexico and the North Pole. But, on general principles of law and reason, they might as well pretend to own the Atlantic and Pacific Oceans themselves; or the atmosphere and the sunlight; and to hold them, and dispose of them, for the payment of these debts.

Having no corporate property with which to pay what purports to be their corporate debts, this secret band of robbers and murderers are really bankrupt. They have nothing to pay with. In fact, they do not propose to pay their debts otherwise than from the proceeds of their future robberies and murders. These are confessedly their sole reliance; and were known to be such by the lenders of the money, at the time the money was lent. And it was, therefore, virtually a part of the contract, that the money should be repaid only from the proceeds of these future robberies and murders. For this reason, if for no other, the contracts were void from the beginning.

In fact, these apparently two classes, borrowers and lenders, were really one and the same class. They borrowed and lent money from and to themselves. They themselves were not only part and parcel, but the very life and soul, of this secret band of robbers and murderers, who borrowed and spent the money. Individually they furnished money for a common enterprise; taking, in return, what purported to be corporate promises for individual loans. The only excuse they had for taking these so-called corporate promises of,

for individual loans by, the same parties, was that they might have some apparent excuse for the future robberies of the band (that is, to pay the debts of the corporation), and that they might also know what shares they were to be respectively entitled to out of the proceeds of their future robberies.

Finally, if these debts had been created for the most innocent and honest purposes, and in the most open and honest manner, by the real parties to the contracts, these parties could thereby have bound nobody but themselves, and no property but their own. They could have bound nobody that should have come after them, and no property subsequently created by, or belonging to, other persons.

XVIII.

The Constitution having never been signed by anybody; and there being no other open, written, or authentic contract between any parties whatever, by virtue of which the United States government, so called, is maintained; and it being well known that none but male persons, of twenty-one years of age and upwards, are allowed any voice in the government; and it being also well known that a large number of these adult persons seldom or never vote at all; and that all those who do vote, do so secretly (by secret ballot), and in a way to prevent their individual votes being known, either to the world, or even to each other; and consequently in a way to make no one openly responsible for the acts of their agents, or representatives,—all these things being known, the questions arise: *Who* compose the real governing power in the country? Who are the men, *the responsible men*, who rob us of our property? Restrain us of our liberty? Subject us to their arbitrary dominion? And devastate our homes, and shoot us down by the hundreds of thousands, if we resist? How shall we find these men? How shall we know them from others? How shall we defend ourselves and our property against them? Who, of our neighbors, are members of this secret band of robbers and murderers? How can we know which are *their* houses, that we may burn or demolish them? Which *their* property, that we may destroy it? Which their persons, that we may kill them, and rid the world and ourselves of such tyrants and monsters?

These are questions that must be answered, before men can be free; before they can protect themselves against this secret band

of robbers and murderers, who now plunder, enslave, and destroy them.

The answer to these questions is, that only those who have the will and the power to shoot down their fellow men, are the real rulers in this, as in all other (so-called) civilized countries; for by no others will civilized men be robbed, or enslaved.

Among savages, mere physical strength, on the part of one man, may enable him to rob, enslave, or kill another man. Among barbarians, mere physical strength, on the part of a body of men, disciplined, and acting in concert, though with very little money or other wealth, may, under some circumstances, enable them to rob, enslave, or kill another body of men, as numerous, or perhaps even more numerous, than themselves. And among both savages and barbarians, mere want may sometimes compel one man to sell himself as a slave to another. But with (so-called) civilized peoples, among whom knowledge, wealth, and the means of acting in concert, have become diffused; and who have invented such weapons and other means of defense as to render mere physical strength of less importance; and by whom soldiers in any requisite number, and other instrumentalities of war in any requisite amount, can always be had for money, the question of war, and consequently the question of power, is little else than a mere question of money. As a necessary consequence, those who stand ready to furnish this money, are the real rulers. It is so in Europe, and it is so in this country.

In Europe, the nominal rulers, the emperors and kings and parliaments, are anything but the real rulers of their respective countries. They are little or nothing else than mere tools, employed by the wealthy to rob, enslave, and (if need be) murder those who have less wealth, or none at all.

The Rothschilds,⁶ and that class of money-lenders of whom they

⁶[It is obvious from the context that Spooner intended no particular animus toward the Rothschilds by citing them in relation to the financing of various regimes in a number of military adventures in that time. They are mentioned mainly because of their greater familiarity among a number of such international financiers. One is reminded that not all the enterprises of these money lenders were necessarily successful, as there were losers as well as winners in these State combats; the loan of the French house of Erlanger to the Confederacy in the American Civil War, and that of the Austrian branch of the Rothschilds to the Austrian government and its swift defeat by Prussia in the Seven Weeks' War of 1866, may be cited as examples. And, of course, the Rothschilds met their match in such operations on more than one occasion; see, for example, the accounts in Otto Wolff's

are the representatives and agents—men who never think of lending a shilling to their next-door neighbors, for purposes of honest industry, unless upon the most ample security, and at the highest rate of interest — stand ready, at all times, to lend money in unlimited amounts to those robbers and murderers, who call themselves governments, to be expended in shooting down those who do not submit quietly to being robbed and enslaved.

They lend their money in this manner, knowing that it is to be expended in murdering their fellow men, for simply seeking their liberty and their rights; knowing also that neither the interest nor the principal will ever be paid, except as it will be extorted under terror of the repetition of such murders as those for which the money lent is to be expended.

These money-lenders, the Rothschilds, for example, say to themselves: If we lend a hundred millions sterling to the queen and parliament of England, it will enable them to murder twenty, fifty, or a hundred thousand people in England, Ireland, or India; and the terror inspired by such wholesale murder, will enable them to keep the whole people of those countries in subjection for twenty, or perhaps fifty, years to come; to control all their trade and industry; and to extort from them large amounts of money, under the name of taxes; and from the wealth thus extorted from them, they (the queen and parliament) can afford to pay us a higher rate of interest for our money than we can get in any other way. Or, if we lend this sum to the emperor of Austria, it will enable him to murder so many of his people as to strike terror into the rest, and thus enable him to keep them in subjection, and extort money from them, for twenty or fifty years to come. And they say the same in regard to the emperor of Russia, the king of Prussia, the emperor of France, or any other ruler, so called, who, in their judgment, will be able, by murdering a reasonable portion of his people,

Owrrard: Speculator of Genius (New York: David McKay, 1962). There is a vast literature on this subject.

Spooner overlooked a striking development in this area, the discovery of the possibilities involved in fiat money operations by the State as an escape from the restraints imposed by a privately-controlled specie-backed money system. The Lincoln government's issuance of greenbacks was the most successful example of the moment when Spooner was writing. Of course, in modern times, with the evolution of managed money, the State no longer need depend on financial houses, but is limited only by the amount of paper and ink, and public confidence, insofar as it can manufacture claims on production and present them in the market place in competition with the citizenry for such goods and services as its objectives require.]

to keep the rest in subjection, and extort money from them, for a long time to come, to pay the interest and principal of the money lent him.

And why are these men so ready to lend money for murdering their fellow men? Solely for this reason, viz., that such loans are considered better investments than loans for purposes of honest industry. They pay higher rates of interest; and it is less trouble to look after them. This is the whole matter.

The question of making these loans is, with these lenders, a mere question of pecuniary profit. They lend money to be expended in robbing, enslaving, and murdering their fellow men, solely because, on the whole, such loans pay better than any others. They are no respecters of persons, no superstitious fools, that reverence monarchs. They care no more for a king, or an emperor, than they do for a beggar, except as he is a better customer, and can pay them better interest for their money. If they doubt his ability to make his murders successful for maintaining his power, and thus extorting money from his people in future, they dismiss him as unceremoniously as they would dismiss any other hopeless bankrupt, who should want to borrow money to save himself from open insolvency.

When these great lenders of blood-money, like the Rothschilds, have loaned vast sums in this way, for purposes of murder, to an emperor or a king, they sell out the bonds taken by them, in small amounts, to anybody, and everybody, who are disposed to buy them at satisfactory prices, to hold as investments. They (the Rothschilds) thus soon get back their money, with great profits; and are now ready to lend money in the same way again to any other robber and murderer, called an emperor or a king, who, they think, is likely to be successful in his robberies and murders, and able to pay a good price for the money necessary to carry them on.

This business of lending blood-money is one of the most thoroughly sordid, cold-blooded, and criminal that was ever carried on, to any considerable extent, amongst human beings. It is like lending money to slave traders, or to common robbers and pirates, to be repaid out of their plunder. And the men who loan money to governments, so called, for the purpose of enabling the latter to rob, enslave, and murder their people, are among the greatest villains that the world has ever seen. And they as much deserve to

be hunted and killed (if they cannot otherwise be got rid of) as any slave traders, robbers, or pirates that ever lived.

When these emperors and kings, so-called, have obtained their loans, they proceed to hire and train immense numbers of professional murderers, called soldiers, and employ them in shooting down all who resist their demands for money. In fact, most of them keep large bodies of these murderers constantly in their service, as their only means of enforcing their extortions. There are now, I think, four or five millions of these professional murderers constantly employed by the so-called sovereigns of Europe. The enslaved people are, of course, forced to support and pay all these murderers, as well as to submit to all the other extortions which these murderers are employed to enforce.

It is only in this way that most of the so-called governments of Europe are maintained. These so-called governments are in reality only great bands of robbers and murderers, organized, disciplined, and constantly on the alert. And the so-called sovereigns, in these different governments, are simply the heads, or chiefs, of different bands of robbers and murderers. And these heads or chiefs are dependent upon the lenders of blood-money for the means to carry on their robberies and murders. They could not sustain themselves a moment but for the loans made to them by these blood-money loan-mongers. And their first care is to maintain their credit with them; for they know their end is come, the instant their credit with them fails. Consequently the first proceeds of their extortions are scrupulously applied to the payment of the interest on their loans.

In addition to paying the interest on their bonds, they perhaps grant to the holders of them great monopolies in banking, like the Banks of England, of France, and of Vienna; with the agreement that these banks shall furnish money whenever, in sudden emergencies, it may be necessary to shoot down more of their people. Perhaps also, by means of tariffs on competing imports, they give great monopolies to certain branches of industry, in which these lenders of blood-money are engaged. They also, by unequal taxation, exempt wholly or partially the property of these loan-mongers, and throw corresponding burdens upon those who are too poor and weak to resist.

Thus it is evident that all these men, who call themselves by the high-sounding names of Emperors, Kings, Sovereigns, Monarchs,

Most Christian Majesties, Most Catholic Majesties, High Mightinesses, Most Serene and Potent Princes, and the like, and who claim to rule "by the grace of God," by "Divine Right"—that is, by special authority from Heaven—are intrinsically not only the merest miscreants and wretches, engaged solely in plundering, enslaving, and murdering their fellow men, but that they are also the merest hangers on, the servile, obsequious, fawning dependents and tools of these blood-money loan-mongers, on whom they rely for the means to carry on their crimes. These loan-mongers, like the Rothschilds, laugh in their sleeves, and say to themselves: These despicable creatures, who call themselves emperors, and kings, and majesties, and most serene and potent princes; who profess to wear crowns, and sit on thrones; who deck themselves with ribbons, and feathers, and jewels; and surround themselves with hired flatterers and lickspittles; and whom we suffer to strut around, and palm themselves off, upon fools and slaves, as sovereigns and lawgivers specially appointed by Almighty God; and to hold themselves out as the sole fountains of honors, and dignities, and wealth, and power—all these miscreants and imposters know that we make them, and use them; that in us they live, move, and have their being; that we require them (as the price of their positions) to take upon themselves all the labor, all the danger, and all the odium of all the crimes they commit for our profit; and that we will unmake them, strip them of their gewgaws, and send them out into the world as beggars, or give them over to the vengeance of the people they have enslaved, the moment they refuse to commit any crime we require of them, or to pay over to us such share of the proceeds of their robberies as we see fit to demand.

XIX.

Now, what is true in Europe, is substantially true in this country. The difference is the immaterial one, that, in this country, there is no visible, permanent head, or chief, of these robbers and murderers, who call themselves "the government." That is to say, there is no *one man*, who calls himself the state, or even emperor, king, or sovereign; no one who claims that he and his children rule "by the Grace of God," by "Divine Right," or by special appointment from Heaven. There are only certain men, who call themselves presidents, senators, and representatives, and claim to be the authorized agents, *for the time being, or for certain short*

periods, of all "the people of the United States"; but who can show no credentials, or powers of attorney, or any other open, authentic evidence that they are so; and who notoriously are not so; but are really only the agents of a secret band of robbers and murderers, whom they themselves do not know, and have no means of knowing, individually; but who, they trust, will openly or secretly, when the crisis comes, sustain them in all their usurpations and crimes.

What is important to be noticed is, that these so-called presidents, senators, and representatives, these pretended agents of all "the people of the United States," the moment their exactions meet with any formidable resistance from any portion of "the people" themselves, are obliged, like their co-robbers and murderers in Europe, to fly at once to the lenders of blood money, for the means to sustain their power. And they borrow their money on the same principle, and for the same purpose, viz., to be expended in shooting down all those "people of the United States"—their own constituents and principals, as they profess to call them—who resist the robberies and enslavement which these borrowers of the money are practising upon them. And they expect to repay the loans, if at all, only from the proceeds of the future robberies, which they anticipate it will be easy for them and their successors to perpetrate through a long series of years, upon their pretended principals, if they can but shoot down now some hundreds of thousands of them, and thus strike terror into the rest.

Perhaps the facts were never made more evident, in any country on the globe, than in our own, that these soulless blood-money loan-mongers are the real rulers; that they rule from the most sordid and mercenary motives; that the ostensible government, the presidents, senators, and representatives, so called, are merely their tools; and that no ideas of, or regard for, justice or liberty had anything to do in inducing them to lend their money for the war. In proof of all this, look at the following facts.

Nearly a hundred years ago we professed to have got rid of all that religious superstition, inculcated by a servile and corrupt priesthood in Europe, that rulers, so called, derived their authority directly from Heaven; and that it was consequently a religious duty on the part of the people to obey them. We professed long ago to have learned that governments could rightfully exist only by the free will, and on the voluntary support, of those who might choose to sustain them. We all professed to have known long ago,

that the only legitimate objects of government were the maintenance of liberty and justice equally for all. All this we had professed for nearly a hundred years. And we professed to look with pity and contempt upon those ignorant, superstitious, and enslaved peoples of Europe, who were so easily kept in subjection by the frauds and force of priests and kings.

Notwithstanding all this, that we had learned, and known, and professed, for nearly a century, these lenders of blood money had, for a long series of years previous to the war, been the willing accomplices of the slave-holders in perverting the government from the purposes of liberty and justice, to the greatest of crimes. They had been such accomplices *for a purely pecuniary consideration*, to wit, a control of the markets in the South; in other words, the privilege of holding the slave-holders themselves in industrial and commercial subjection to the manufacturers and merchants of the North (who afterwards furnished the money for the war). And these Northern merchants and manufacturers, these lenders of blood-money, were willing to continue to be the accomplices of the slave-holders in the future, for the same pecuniary consideration. But the slave-holders, either doubting the fidelity of their Northern allies, or feeling themselves strong enough to keep their slaves in subjection without Northern assistance, would no longer pay the price which these Northern men demanded. And it was to enforce this price in the future—that is, to monopolize the Southern markets, to maintain their industrial and commercial control over the South—that these Northern manufacturers and merchants lent some of the profits of their former monopolies for the war, in order to secure to themselves the same, or greater, monopolies in the future. These — and not any love of liberty or justice — were the motives on which the money for the war was lent by the North. In short, the North said to the slave-holders: If you will not pay us our price (give us control of your markets) for our assistance against your slaves, we will secure the same price (keep control of your markets) by helping your slaves against you, and using them as our tools for maintaining dominion over you; for the control of your markets we will have, whether the tools we use for that purpose be black or white, and be the cost, in blood and money, what it may.

On this principle, and from this motive, and not from any love of liberty, or justice, the money was lent in enormous amounts, and

at enormous rates of interest. And it was only by means of these loans that the objects of the war were accomplished.

And now these lenders of blood-money demand their pay; and the government, so called, becomes their tool, their servile, slavish, villainous tool, to extort it from the labor of the enslaved people both of the North and the South. It is to be extorted by every form of direct, and indirect, and unequal taxation. Not only the nominal debt and interest—enormous as the latter was—are to be paid in full; but these holders of the debt are to be paid still further—and perhaps doubly, triply, or quadruply paid—by such tariffs on imports as will enable our home manufacturers to realize enormous prices for their commodities; also by such monopolies in banking as will enable them to keep control of, and thus enslave and plunder, the industry and trade of the great body of the Northern people themselves. In short, the industrial and commercial slavery of the great body of the people, North and South, black and white, is the price which these lenders of blood money demand, and insist upon, and are determined to secure, in return for the money lent for the war.

This programme having been fully arranged and systematized, they put their sword into the hands of the chief murderer of the war,⁷ and charge him to carry their scheme into effect. And now he, speaking as their organ, says: "*Let us have peace.*"

The meaning of this is: Submit quietly to all the robbery and slavery we have arranged for you, and you can have "peace." But in case you resist, the same lenders of blood-money, who furnished the means to subdue the South, will furnish the means again to subdue you.

These are the terms on which alone this government, or, with few exceptions, any other, ever gives "peace" to its people.

The whole affair, on the part of those who furnished the money, has been, and now is, a deliberate scheme of robbery and murder; not merely to monopolize the markets of the South, but also to monopolize the currency, and thus control the industry and trade, and thus plunder and enslave the laborers, of both North and South. And Congress and the president are today the merest tools for these purposes. They are obliged to be, for they know that their own power, as rulers, so-called, is at an end, the moment their credit with the blood-money loan-mongers fails. They are like a

⁷[Undoubtedly a reference to General Grant, who had just become president.]

bankrupt in the hands of an extortioner. They dare not say nay to any demand made upon them. And to hide at once, if possible, both their servility and their crimes, they attempt to divert public attention, by crying out that they have "Abolished Slavery!" That they have "Saved the Country!" That they have "Preserved our Glorious Union!" and that, in now paying the "National Debt," as they call it (as if the people themselves, *all of them who are to be taxed for its payment*, had really and voluntarily joined in contracting it), they are simply "Maintaining the National Honor!"

By "maintaining the national honor," they mean simply that they themselves, open robbers and murderers, assume to be the nation, and will keep faith with those who lend them the money necessary to enable them to crush the great body of the people under their feet; and will faithfully appropriate, from the proceeds of their future robberies and murders, enough to pay all their loans, principal and interest.

The pretense that the "abolition of slavery" was either a motive or justification for the war, is a fraud of the same character with that of "maintaining the national honor." Who, but such usurpers, robbers, and murderers as they, ever established slavery? Or what government, except one resting upon the sword, like the one we now have, was ever capable of maintaining slavery? And why did these men abolish slavery? Not from any love of liberty in general—not as an act of justice to the black man himself, but only "as a war measure," and because they wanted his assistance, and that of his friends, in carrying on the war they had undertaken for maintaining and intensifying that political, commercial, and industrial slavery, to which they have subjected the great body of the people, both white and black. And yet these imposters now cry out that they have abolished the chattel slavery of the black man—although that was not the motive of the war—as if they thought they could thereby conceal, atone for, or justify that other slavery which they were fighting to perpetuate, and to render more rigorous and inexorable than it ever was before. There was no difference of principle—but only of degree—between the slavery they boast they have abolished, and the slavery they were fighting to preserve; for all restraints upon men's natural liberty, not necessary for the simple maintenance of justice, are of the nature of slavery, and differ from each other only in degree.

If their object had really been to abolish slavery, or maintain

liberty or justice generally, they had only to say: All, whether white or black, who want the protection of this government, shall have it; and all who do not want it, will be left in peace, so long as they leave us in peace. Had they said this, slavery would necessarily have been abolished at once; the war would have been saved; and a thousand times nobler union than we have ever had would have been the result. It would have been a voluntary union of free men; such a union as will one day exist among all men, the world over, if the several nations, so called, shall ever get rid of the usurpers, robbers, and murderers, called governments, that now plunder, enslave, and destroy them.

Still another of the frauds of these men is, that they are now establishing, and that the war was designed to establish, "a government of consent." The only idea they have ever manifested as to what is a government of consent, is this—that it is one to which everybody must consent, or be shot. This idea was the dominant one on which the war was carried on; and it is the dominant one, now that we have got what is called "peace."

Their pretenses that they have "Saved the Country," and "Preserved our Glorious Union," are frauds like all the rest of their pretenses. By them they mean simply that they have subjugated, and maintained their power over, an unwilling people. This they call "Saving the Country"; as if an enslaved and subjugated people—or as if any people kept in subjection by the sword (as it is intended that all of us shall be hereafter)—could be said to have any country. This, too, they call "Preserving our Glorious Union"; as if there could be said to be any Union, glorious or inglorious, that was not voluntary. Or as if there could be said to be any union between masters and slaves; between those who conquer, and those who are subjugated.

All these cries of having "abolished slavery," of having "saved the country," of having "preserved the union," of establishing "a government of consent," and of "maintaining the national honor," are all gross, shameless, transparent cheats—so transparent that they ought to deceive no one—when uttered as justifications for the war, or for the government that has succeeded the war, or for now compelling the people to pay the cost of the war, or for compelling anybody to support a government that he does not want.

The lesson taught by all these facts is this: As long as mankind continue to pay "national debts," so-called—that is, so long as they

are such dupes and cowards as to pay for being cheated, plundered, enslaved, and murdered—so long there will be enough to lend the money for those purposes; and with that money a plenty of tools, called soldiers, can be hired to keep them in subjection. But when they refuse any longer to pay for being thus cheated, plundered, enslaved, and murdered, they will cease to have cheats, and usurpers, and robbers, and murderers and blood-money loan-mongers for masters.⁸

APPENDIX.

Inasmuch as the Constitution was never signed, nor agreed to, by anybody, as a contract, and therefore never bound anybody, and is now binding upon nobody; and is, moreover, such an one as no people can ever hereafter be expected to consent to, except as they may be forced to do so at the point of the bayonet, it is perhaps of no importance what its true legal meaning, as a contract, is. Nevertheless, the writer thinks it proper to say that, in his opinion, the Constitution is no such instrument as it has generally been assumed to be; but that by false interpretations, and naked usurpations, the government has been made in practice a very widely, and almost wholly, different thing from what the Constitution itself purports to authorize. He has heretofore written much, and could write much more, to prove that such is the truth. But whether the Constitution really be one thing, or another, this much is certain—that it has either authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist.

⁸[Despite the severity of his language, Spooner deserves recognition as one of the few observers, in the period immediately after the Civil War, to dismiss the simple propaganda that the war was the consequence of the single-minded objective of abolishing chattel slavery, and to examine at least in part the deeper material factors involved.]

Response

Dr. Worthington might well consider the correlation between company presidents who rely upon political solutions and those "who have what can be called an 'Atlas complex' who sooner or later may face the dire consequences of stress and strain." A report on case studies of those who sanction tariffs, subsidies, government contracts, etc., in contrast with those who do not, could be most helpful in revealing why "today's demands are almost too much, and the pleasure of what tomorrow will bring is transmuted into a gnawing fear of failure."

BRIAN J. MONAHAN
Mundelein, Illinois

I am grateful to you for having sent me Volume I, No. 1 of the RAMPART JOURNAL. I think I may subscribe to it, but I am somewhat disturbed by the appearance of Mr. Spooner's letter to Senator Bayard.

In the beginning, Mr. Spooner is correct in his declaration that it is impossible for men to give away what came to them through nature, the Creator. He is correct in that no man can delegate a right of arbitrary dominion over a third person. He continues in the area of what I would call right thinking until he comes to a discussion of the Constitution. And here, I beg to declare, he goes off the track. When he says that the "people" never ratified the Constitution he is suffering from a delusion which could be easily corrected. The people, as such, were not presumed to ratify the Constitution. The people acted to ratify the Constitution as residents of states. As such, they did indeed ratify the Constitution. Since that time the Amendments have been ratified by the people acting through their representatives in the states.

Further, Mr. Spooner could have made a much stronger point if he had pointed out that the Congress is a creature of that Constitution, and a creature of an authority which brought it into being has no possible right to amend that authority. This is true of the Congress, the Executive, and the Court.

Where we have gotten off the track is that the Senate of the United States has indeed abdicated its responsibilities, as has the House, as has the President, as has the Court. Each of them presumes to think that his transient whims are adequate to cancel the Constitution.

In other words, I would put my faith in the Constitution, as properly interpreted, asking only that those who believe the Constitution to be in error or in some deficiency, seek to amend that as it is properly set up or, in convention assembled, to replace it with another. No man has virtue, wisdom, authority, or necessity to seek modification from his single storehouse of human reason, a most untrustworthy collection.

ROBERT J. NEEDLES, M.D.
St. Petersburg, Florida

Congratulations on the first issue of the RAMPART JOURNAL, especially Lysander Spooner's "A Letter to Thomas F. Bayard." The quality of the articles augurs well for the future.

HERBERT C. ROSEMAN
Brooklyn, New York

The other day I received a copy of the RAMPART JOURNAL of Individualist Thought and read it with considerable interest. Congratulations on a job well done!

Please put my name on your mailing list for any other publications about the Graduate School you are organizing.

Have you ever thought about including the training of free church ministers as part of your larger graduate program? We of the free churches are quite determined to find some way to train our men outside the large social actionist seminaries.

THE REV. ROYAL G. DAVIS
First Congregational Church
Los Angeles, California

The RAMPART JOURNAL of Individualist Thought, a most welcome and much needed vehicle. I wish to say thanks to those who had the courage, wisdom, and ability to lay the foundations and bring into being this JOURNAL and the College of which the JOURNAL is a part.

All of us interested in freedom like to express our thoughts. Some are worthy of consideration. Some are difficult to express.

One of the vital problems I believe we who advocate individual freedom and personal responsibility are faced with, is that the practical applications of freedom have outstripped its philosophers, those who would give it purpose and direction. We have become aimless and cannot give adequate answers to those seeking direction.

One important question asked is, does freedom have limits? If man is to be released from his chains, is the sky the limit?

Before we go further I should say what this freedom is I speak of. It is the freedom to achieve your full potential without interference. This, of course, precludes such so-called freedoms as those to harm or destroy or interfere with another's freedom.

The freedom to overcome and achieve does appear to have certain natural negative limits, such as disease, violence, and death and the inclination of man to limit man.

Freedom also appears to have positive limits—the limits of our knowledge, ability, and capacities.

Therefore, is freedom limited by ultimate obstacles that cannot be overcome? Are human beings limited or do they have a limitless destiny? Some say that our destiny is confined to the natural world about us. It is limited by the natural material world. Others go beyond this world and this seemingly dead-end life and say that man has infinite possibilities. That death, disease, man's evil inclinations can be conquered. His limitations can be overcome—overcome by way of the infinite, itself.

Where are we who believe in free man to place our faith? Both positions call for faith for neither can be proven conclusively by us.

Nevertheless, reason and logic do seem to lead to only one conclusion. First of all, the natural world must have had a beginning in the infinite or supernatural or by way of a being superior to the natural being of man, the greatest of all known natural creatures. What is natural must have had a beginning. What is natural cannot create itself or be formed out of nothing through the natural processes.

Secondly, man must have some of the infinite within himself or how could he conceive of the possibility of the infinite? He would be like the finite animals, never giving thought to such a possibility.

Furthermore, would an infinite creator create something the end result of which was limited? Man is the obvious highest form of created being here in this world and the end result of creation.

Also, if man looks within himself he finds that he cannot be content with limits. Man is constantly striving to conquer his limitations and is only content when he feels a sense of limitlessness.

This is the goal we who believe in freedom can hold out to mankind. Continue on with the struggle to attain the infinite in all you conceive as good. Don't despair, and, as we conquer each step on the way to the infinite we will have taken a step for all who have struggled; for we are all, as individuals, a part of the infinite. This I believe is our direction and our goal.

This I believe is what modern confused and frustrated man needs. He is presently barraged by propaganda which drags him down and limits him. We who believe in freedom can clear the air and release his mind. We can set him back on the exhilarating path to his true destiny.

PHILIP E. O'CONNELL

South Weymouth, Massachusetts

Many, many thanks and appreciation for the RAMPART JOURNAL. I especially enjoyed Mr. LeFevre's "On the Other Hand." I meet so few people who are interested in exchanging ideas, and rarely one who considers himself an individual responsible for his own life and living, that to read those stimulating articles and end up with Mr. LeFevre expressing his ideas about each one, was as though he were right here in Newport for that time.

Thank you!

WILMA BROOKS

Newport Beach, California

It is difficult for me to put on paper how *delighted* I am with RAMPART JOURNAL of Individualist Thought.

And, if it had said "of libertarian thought" or "of freedom," it would have missed the mark, I believe. Certainly, the word "freedom" has been twisted in the minds of many. Now I find the word "libertarianisticists," which indeed seems a bit too much to cope with.

This journal is a real study. Many of the articles require reading over several times so I, for one, am glad it is a quarterly. I particularly enjoyed "The Stoic Virtues" and "Teaching and the Expanding Knowledge" but ALL were enlightening and enjoyable to me.

I was a little stunned, though, at Professor Cooley's "Proper Functions of Government." However, I'm sure he is still searching for TRUTH, too, and probably welcomes an opportunity to convince or be convinced or to proceed on.

"On the Other Hand" is helpful in drawing my own conclusions. Often when I read an article I wish for a review of it by someone well versed in the philosophy of individualism.

Congratulations for a splendid piece of work.

MRS. JOHN S. ACORN
Colville, Washington

Robert LeFevre

On the Other Hand

Columbus Day—1892

Erica Carle reminds us that “nationalization” is merely another way of saying “socialization.” The seduction of youth (the future adults) by propaganda to abandon individual liberty in favor of the “indivisible” social amalgam is rather strikingly catalogued.

While some will be horrified to learn that the pledge of allegiance to the flag has apparent socialist origins, others will be encouraged to find this confirmation of certain vague misgivings they have been experiencing.

A Challenge to Libertarians

Robert Clancy says that Georgists believe in freedom; that it is good. Therefore, they wish to prevent any man from owning property in land privately. Just how this stricture against human ambition and human progress is in harmony with freedom is not made clear.

He seeks to disassociate the Georgist theory from Marx by explaining that Marx disapproved of the Georgist view. But this disassociation will not serve. Marx disapproved of all deviationists from his total view. The fact is that Georgists follow the dictum of Marx and of other socialists respecting the ownership of land. (See *Communist Manifesto*, Part II, the ten points recommended for total socialization; the Georgist position is recited in point 1.) Granted that Georgists are not anti-capitalists; they are merely anti-capitalist in respect to land ownership.

Mr. Clancy then seeks to refute the argument against Georgism by quoting out of context. He indicates that I quoted Henry George as saying: “I do not propose either to purchase or to confiscate private private property in land . . . The form, the ownership of land would remain just as now. No owner of land need be dispossessed,

and no restriction need be placed upon the amount of land anyone could hold."

The quotation used in the footnote (*Rampart Journal*, Summer, 1965 edition, p. 28) is as follows: "I do not propose either to purchase or to confiscate private property in land. The first would be unjust; the second, needless. Let the individuals who now hold it still retain, if they want to, *possession* of what they are pleased to call *their* land. Let them continue to call it *their* land. Let them buy and sell, and bequeath and devise it. We may safely leave them the shell, if we take the kernel. It is not necessary to confiscate land; it is only necessary to confiscate rent . . . We already take some rent in taxation. We have only to make some changes in our modes of taxation to take it all . . . In this way the state may become the universal landlord without calling herself so, and without assuming a single new function. The form, the ownership of land would remain just as now. No owner of land need be dispossessed, and no restriction need be placed upon the amount of land anyone could hold. For, rent being taken by the state in taxes, land, no matter in whose name it stood, or in what parcels it was held, would be really common property, and every member of the community would participate in the advantages of ownership."

Thus, the Georgist proposal stands fully revealed. The state becomes the "universal landlord" in the sense that it alone can collect any earnings from the holders of land, per se. Those holding the land retain "the shell," the state takes "the kernel." Obviously, those still holding whatever land they dare retain may attempt to earn by employment of the land. But the universal landlord to be paid is the state.

Mr. Clancy contends that George did not propose that the state would dictate the use of land or fix the value of land. I did not quote him as so stating. Rather, I pointed out that if the state can set the land rental values, by means of taxation, this alone *will*, in practice, determine land use and will fix the value of land.

Mr. Clancy refers to the dichotomy which is discernible in Georgism. He spells it out in detail. If a land holder can sublease his land, then the state would confiscate such rentals. If this is the interpretation to be used, then my criticism, that the state will be interfering in business and wiping out all types of business in which subleasing occurs, will stand. Thus, the government will have to enter into and operate all parks, playgrounds, trailer courts, tracts

of timber, and so on, and all those who produce directly from the land, agriculturists, farmers, growers, planters, and so on, will be nothing more than tenant farmers.

Nor am I overlooking the hotel, apartment house, or motel businesses. A portion of many of the modern hotels and motels, and some apartment houses, is related to unimproved use of land, such as parking lots, or settings in which the buildings are viewed as advantageous. The rates charged by a hotel, motel, or apartment house for its facilities reflect in part the advantages or disadvantages of location, parking, and so on. The government would have to establish a base price to be charged for accommodations and any deviation upward from such base price would be confiscated by the government on the grounds that such an increase was received only because of land use. This would strangle competitive advantages gained by astute selection of location and would place all income from these types of facilities directly under some price czar, who could and would confiscate whatever portion of income he concluded derived from such locations.

Land speculators (like all speculators) do help to keep balance in the market. If land values fall to zero, those who have invested in land lose their investment. Speculation helps to prevent such losses. If land values boom, the speculation serves to nip the boom and helps to provide scarce items when scarcity becomes a problem.

The argument that a bandit might erect a toll gate and then demand all he can get for passage, obscures the fact that if the man is the owner of the road and not a bandit, and demands a fee for the use of what he owns, he is no different from any dealer in any commodity who opens for business and endeavors to treat his customers in such a way that he can rely upon a steady and growing clientele. This is a specious argument and not worthy of the pro-capitalist Georgists, who favor the unobstructed market (except in land).

Mr. Clancy dismisses the point that expanding populations often depress land values (e.g., India and China). If he wishes to contend that Georgist theory applies only to urban areas, we might point out that in France when the state took complete control of all rentals, thereby penalizing all private landlords in much the same way a single tax would affect them, Paris lost any impetus toward increasing land values, although population continued to expand. The concierge was placed at such a disadvantage that he

could not even find a buyer for his improvements and, like a serf, he remained tied to his improvements. Under these conditions, virtually no new building ensued and land values depreciated.

Mr. Clancy cites Hong Kong as having among the highest land values in the world, as having one of the finest free enterprise climates in the world, and as having governmentally owned land leased to private parties. If the latter claim is generally the rule in Hong Kong, then the free market climate is enhanced because the government is *not* collecting the *full rental value* of such land; hence, the economic climate of Hong Kong is not encumbered with the extent of predation which the Georgist system entails.

Mr. Clancy seeks to set aside my refutation of the labor theory of ownership by denial of the validity of the first claimant theory. But if Locke and others who support the idea that labor produces ownership are correct, then all children are the property of their parents and slavery has been reinstated. I will contend that each person owns himself, in spite of the labor of his parents. I will further contend that custom and reason are not at variance in the practical results as well as the moral procedure embodied in the system of first claimant. In place of the marking of boundaries on land, and public notification that a plot is privately owned, Mr. Clancy would introduce the might of the state to confiscate all income from land from those whose foresight has encouraged them to make claim.

The balance of this article descends from the Georgist concept that land ownership is a monopoly, that the labor theory of ownership is valid, and that wealth does not exist unless labor creates it. Even if I were to concede these points for the sake of discussion, it would follow that the work of government in serving as a "universal landlord" is not sanctified. If the private landlord is acquiring "unearned" sums from the land, then so is the government. So, in place of private and competing landlords, the Georgist theory seeks to establish a government monopoly in land rents where none exists. The evils to follow such a system are outlined in the article before-mentioned and from which the Clancy argument proceeds.

The student of liberty does not find a justifiable role for compulsory taxation. This is because he recognizes rights as an individual matter and does not view them as "community rights" or "collective rights," as Mr. Clancy and the Georgists contend. This does not mean that the student of liberty is insensitive to the prob-

lem of poverty. Rather, he recognizes that the state is the instrument which creates and maintains poverty since its principal role is to employ force and to operate aggressively against the economic rights of individuals. A free market implies a competitive market. The Georgist theory spells out an economic system which introduces a monopoly in land ownership exclusively in the hands of the state as universal landlord. Such a condition will contain less freedom than a system wherein land can be privately owned and managed.

The Public Utility of Profits

Carl Snyder's work, *Capitalism, the Creator*, has not received the accolades which are its due. The book is now nearly forgotten, yet parts of it could well be included in a modern course in free market economics in place of some of the currently popular works by Samuelson and other Keynesians. The chapter reproduced in this edition of the *Journal* offers some of the best explanations of the importance of profits, the fallacy of the labor theory of value, the significance of superior managerial ability, and so on. It will continue to stand on its own merit when inferior works are relegated to the dust and neglect of worn-out socialist dogma.

The Hutterian Brethren: Successful Communists

Howard E. Kessler launches his splendid study of the Hutterites by using *This Bread Is Mine* as the runway. His position is valid and his point is conceded. The statement that communism is "a dream, a childish vision that imagines the world to be other than it is," and that it is "contrary to the laws of nature," will have to be revised and I thank Mr. Kessler for his criticism.

As he proceeds, he demonstrates a most fascinating point: by in-breeding and by religious self-denial, human beings can be de-humanized "successfully" in the sense that the ant-hill type of culture represented by the Hutterites can endure. Perhaps it would be more meaningful to describe communism as an effort to thwart man's forward progress *as man*. Although it may be possible to condition some men to be less than their capacities, a surrender of all thirst for individual progress and material satisfaction is not a natural outgrowth of a developing species but a stifling of a basic human attribute. In this sense, communism is an affront, not to laws of nature in general, but to certain characteristics deeply imbedded in the nature of man.

No Treason: The Constitution of No Authority

Lysander Spooner's remarkable study, *No Treason: The Constitution of No Authority*, together with the introduction and footnotes by James J. Martin, will doubtless create a stir among those who "worship" the Constitution. Despite the fact that Spooner's piece is nearly a hundred years old, the points made are sharply applicable today.

There is one major area where an updating could occur. Dr. Martin has hinted at it in his footnote concerning the modern procedure whereby governments gain the exclusive monopoly of money and credit, and then use their power to inflate. Americans, under the dominance of the Constitution, are hardly in a position to exert decisive pressure upon the government by initiating tax reform, or even by a tax revolt or strike. Since we have all more or less acquiesced in the use of government-declared specie, currency, and credit control, the retention in private hands of the sums demanded by the state would not serve to curtail governmental procedures except marginally.

A rediscovered and expanded theory anent the "sanction of the victim" (see Epictetus, Rand, LeFevre, et al) asserts that the power of the government rests not so much on money as it does on wide approval by those who suffer most under its ukases. An enormous power of disapproval is latent within most taxpayers, who, in spite of their own pain and discomfort, continue to approve the very device which deprives them of liberty, financial potency, and even life itself. The fiction persists that the device is justified if only it comes into the hands of "good" men. As Dr. Martin correctly notes: "Those who attack the rationale of the game, and not the players, are its most formidable adversaries."

The difficulty in confronting statism, per se, does not reside in an invulnerable State, but in a lack of consistency in its opponents. If taxes are to be viewed, on principle, as merely an institutionalized form of looting, then those who recognize this principle cannot rightfully continue to call for taxes in support of their favorite protectionism. Nor can government be called upon to render judgment upon government. Even a favorable decision is still a governmental decision, serving to solidify the impression that dependence upon the State is the primary requirement for a happy and orderly existence.