

The Voluntaryist

Whole Number 28

"If one takes care of the means, the end will take care of itself."

October 1987

THE CASE AGAINST T-BILLS And Other Thoughts On Theft

by John A. Pugsley

Underlying all economic systems, and permeating all economic questions, whether they are about the value of assets, or political programs to foster economic change, is the fundamental question of the nature of exchange of transactions-to wit: is any particular exchange of property voluntary or involuntary? The importance of this question to the individual should not be underestimated. The solution to virtually all social problems can be derived from this starting point. The entire "science" of economics is built around it. And the monetary problems of this country, which lead to the investment problems you have as an individual, all originate because individuals fail to ask this question.

Let us begin by establishing a definition of theft. I define theft as any involuntary transfer of property from its owner to someone else. While this definition is quite clear, understanding its implications requires some examples. Consider the following situations.

When Is Theft Not Theft?

Responding to a knock at your front door, you open it to find a stranger standing there pointing a pistol at you. He demands money. Being of sound mind, you give him what you have.

Your property has been taken from you without your voluntary consent, and therefore this would be an act of theft by our definition.

Suppose that you later find out that the individual who demanded your money used it to satisfy an essential need-let's say he was hungry and he used the money to buy food. Does the fact that he needed the food mean that the act of taking money from you was not an act of theft? In other words, is there any need he might have for the money that would convert his act from theft to something else? No, by definition, it was still stealing.

Suppose that you find out that the culprit used the money to satisfy an essential need of someone else-let's say his daughter was ill and needed the money for medicine. Does this change the nature of the act from theft to not theft? In other words, is there any need someone else might have that would change your opinion of the act and make it not an act of theft?

Suppose that you find that the man with the gun was not acting by himself, but instead had been hired by a group of people to take your money. Would the fact that they had hired him transform his act from theft into something else? Is it possible that the number of people who were involved in hiring him has a significance? If ten people met and decided to hire him to take your money, would that change what we called his act? How about 10,000?

What if 10,000 people met and hired the gunman, and they used the money to buy medicine for someone's ailing child? Would the fact that so many people were involved, coupled with the fact that the money was used for a "good" cause make a difference in how the act was defined? What if the people who took your money without your consent decided to buy something with the money that they could all enjoy (perhaps a nice color TV set), and they allowed you to occasionally come and watch it. Would the fact that you could participate in the use of the goods for which your money was taken make the act not an act of theft?

The conclusion that most people would come to in considering these questions is that no matter what the money is used for, and no matter how many people consent to taking it from you by force,

and no matter who else needs the money, it is an act of theft if the owner of the property-you-do not voluntarily (and that means without any kind of threat) consent to part with it.

By Definition, Taxation is Theft

How does the IRS agent who collects our taxes differ from the gunman? He does not. You are forced to pay under threat of imprisonment (the gun). Your money is taken without your voluntary consent. It is used by other people who claim that their need is a just demand on your property. The process is justified because a group of people (voters) decide as a group that you should be robbed and that the money should be used for whatever purposes they deem proper.

The next objection that is normally raised is that even though we might define taxation as theft, it is still necessary and proper in order to insure that the "needs" of society for government services are fulfilled. I have answered this a number of times before, so I won't attempt to refute this premise in any great detail at this point. Let me just throw out a couple of thoughts for your contemplation.

First, I reject the idea there is some real, definable entity out there called "society." There are only individuals. Only individuals live, think, and act. Groups do not think or act. So if property is being transferred, it is always being transferred from one individual to another individual. Consequently, we are back to the key question, does one individual's need constitute a just and rational claim on the property of another?

Will The Means Fit The Ends?

There is no moral question involved here. It is a matter of ends. If the end objective of a social system is to provide the safest environment for the individual members, and is to result in the highest average standard of living for those individuals, then I can easily prove that any form of theft would be wrong. Every successful act of theft, no matter how large or small, diminishes the total production of the members of society in that it reduces the incentive of the recipient of the plunder to be productive. It also results in the diversion of labor away from consumable goods to the production of defensive goods, such as locks, fences, alarm systems, police forces, etc.

A social system based on theft, whether it's called taxation or anything else, cannot promote the highest standard of living for the individuals in that society. In fact, the higher the degree of theft, the lower the standard of living. The reason that Russians suffer a lower standard of living than Frenchmen is that the Russian social system confiscates more property from individuals than does the French system. The reason the average Swiss has a higher standard of living than the average Frenchman is because the Swiss system is less confiscatory than the French. Taxation-whether in the form of direct taxes, regulation, or inflation-varies in intensity from nation to nation. The result, however, is identical-the greater the involuntary transfer of property, the lower the standard of living.

Voluntary Citizenship?

I recently received the following letter from a reader who feels that perhaps taxation is not theft. The reasoning is based on another factor: citizenship.

Since I began reading your thoughts in 1975 I have believed that taxation is theft-"removal of one's wealth with a threat of force." Recently I confronted a line of logic which makes me question that basic premise.

Each of us who is born in this country is offered citizenship. We may either accept it or we may reject it. If we accept it we do so with conditions attached, namely that we agree to abide by the laws of the land.

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The Voluntaryist

Editor: Carl Watner

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"We're All Inside Traders"

by Carl Watner

Events on Wall Street during the last year and a half have included the prosecution of several "inside traders." In June 1986, Dennis Levine pleaded guilty to four felony charges and settled insider trading charges for \$11.6 million. In November 1986, Ivan Boesky agreed to pay a \$100 million penalty for trading on insider information that had previously been furnished him by Mr. Levine. In February 1987, three top Wall St. officials (of Goldman Sachs, Kidder Peabody, and Merrill Lynch) were arrested and charged with an information swapping conspiracy that allegedly made millions.

Although insider trading is regulated by the Securities and Exchange Commission (under rule 10B-5 and Section 10-B of the 1934 Securities and Exchange Act) both the Commission and Congress have left its definition to the courts. The judiciary has generally declared that insider trading is theft or breach of trust in trading on "material, non-public information." In other words, it is viewed as a breach of fiduciary duty. For example, when the executives of Texas Gulf Sulphur bought stock from their own shareholders before announcing discovery of a new mineral deposit, they were successfully prosecuted for trading on information which was not yet "public." Classic insider fraud occurs when an investment banker, such as Levine, obtains information through the confidence of a client and then uses it himself or sells it to someone else, such as Boesky, who then trades on it at the expense of the client.

The SEC has extended this concept of fiduciary duty to include those bankers, lawyers, accountants, and others who generally have legitimate access to inside, non-public information for limited purposes. However, as a result of the Supreme Court decision in *Chiarella vs. the United States*, the SEC formulated Rule 14E-3, which broadens the concept to encompass those who have no direct responsibility to corporate shareholders. In the *Chiarella* case, a printer traded on what he had learned by looking at tender documents that his company was given to print, but the Supreme Court decided that he had no fiduciary duty and hence was not an insider.

In another more recent case, the SEC is prosecuting Ross Winans, a WALL ST. JOURNAL reporter who leaked information on the companies that were to appear in his "Heard on the Street" column. The Winans case, which has not yet been resolved, points up one of the difficulties of defining insider trading: what is "public" and what is "non-public" information? In fact, officials at the SEC argue against a clearer definition of insider trading because they think a more explicit definition would invite more of it. "Says Bevis Longstreth, a former SEC commissioner: 'It's like trying to define fraud. As soon as you pin it down to something precise, someone who wants to commit fraud will simply find a way outside that line where he can commit fraud with impunity.'" In the Winans case, it is not clear at all that the SEC will win their prosecution. While it may be argued that Winans violated his employer's trust and acted unethically, his actions may not be unlawful because he was already dealing with information "heard on the street." Such information was already public and hence, was not inside information.

One of the main problems in dealing with insider trading is the lack of a clear delineation of rights of ownership in the information

that is being dealt with. On the one hand, one of the prosecutors in the US Attorney's Office in New York City argues that insider trading is "theft," pure and simple. The insiders are "thieves. They steal information and then they fence it. It's no different than if they were stealing ice skates." According to this theory, the insiders are stealing from the shareholders of the corporations for whom they work. Presumably the rights to the insider information belong to the corporation at the time it is obtained. On the other hand, it could easily be argued that none of the insiders has ever signed an employment contract foreswearing that they will not take advantage of or benefit from inside information. Hence, the information belongs to the party who creates or discovers it. Although such information is normally created in the course of employment with the corporation, customary practice has not yet defined who owns it or if a party (such as the printer) rightfully owes any sort of duty to the corporation not to benefit from it.

What happens when such trading does occur? In the case of many recent mergers and acquisitions, insiders have been able to buy stocks at current prices and then sell the same stock at much higher prices after the merger or acquisition has been publicly announced. This made Boesky millions of dollars. Insider trading, however, is not limited to taking advantage of good news. Insiders might just as well profit from bad news, by shorting the market (selling the shares before they go down in price as a reaction to the unfavorable news, and then repurchasing the same shares at a lower price, thus capturing the profit involved on the bearish news).

The main economic question raised by insider trading is whether or not the stock market is best served by allocating profits randomly, "somewhat like a lottery," or by allowing insiders to benefit from their "superior information gathering capabilities." Another question to be determined is whether or not anyone should benefit from insider trading profits. If the inside traders themselves agree not to benefit personally, does this mean that they may not trade for the account of the corporation itself? If one argues that insider information is owned by the shareholders (i.e., the corporation) then is the corporation itself having its property rights violated by not being able to trade on its own account?

Essentially, the inside trader is an entrepreneur who helps the stock market move closer and faster towards a stock price which reflects new conditions. The insider acts just like any other market participant who takes advantage of newly discovered or created possibilities. As Austrian economists Walter Block and Israel Kirzner have pointed out, "Profits are earned by entrepreneurs who see and seize opportunities which are not readily apparent to other people." The insider, like all other entrepreneurs, "takes advantage of the ignorance of other people" but his profits are not made at their expense. It is simply the function of the entrepreneur, qua entrepreneur, to see to it that "mutually beneficial opportunities for trade are not bypassed."

Fraud aside, all insider trading transactions are strictly voluntary. The people with whom the inside trader deals are free to accept or reject his offers to buy or sell stock. If they accept, it is only because they feel they benefit from trading with him. They may ultimately rue their decision, but this does not alter the fact that at the time they traded, they anticipated profiting from their transaction with him.

Some students of inside trading have claimed that insiders have taken the prospect of stock market profits via insider trading into the formulation of their employment contracts. Thus it is possible that they may accept a smaller salary in exchange for trading on the exclusive information generated by their inside position. Whether this is true or not is somewhat besides the point. What shareholders and corporate executives need to do is clear the muddy waters of insider trading by more clearly defining property rights in information. There is clearly nothing wrong if a corporation owns the information and decides to exchange it with an executive in return for a lower salary.

The case of fraud enters when there is some explicit agreement that the transaction is not based on inside information. Such an agreement could come about in at least two ways. First, executives or the corporate entities for which they work could state that their shares and the transactions which they enter into would not be traded on the basis of inside information. This would protect the

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"And Every Man Did What Was Right In His Own Eyes" ♦ Voluntaryism in the Old Testament

by Carl Watner

The early Celts and their Brehon laws (which were committed to writing in the late Seventh and early Eighth Centuries A.D.), and the experiences of medieval Iceland (from the Tenth to the Thirteenth Centuries A.D.) are commonly referred to as the earliest examples of the libertarian oriented societies. In my own writings, I have traced the radical libertarian tradition as far back as the English Levellers (mid-17th Century) and have illustrated how their concern with self-proprietorship led them to formulate and advocate a proprietary theory of justice. Now, my exposure to Freedom School and the ideas of Kevin and Patricia Cullinane has uncovered an episode in social history which pre-dates these early non-State societies. Some ten or more centuries before Christ, the Twelve Tribes of Israel, in the Sinai Desert, were practicing societal-wide voluntaryism. In fact, the "judge" Samuel predicted their fall from grace should they substitute the State for the rules set out by Moses. Thus it is important to consider some of the early history of the Hebrews. How did they live for two centuries without a State and what happened when they finally accepted a king? How consistent were the rules they lived by (the Ten Commandments) with libertarian ideas?

In this paper, we will be concerned with the social and political history of the early Jewish tribes, rather than with their religious beliefs and rituals. However, in many cases it will be found that their religion, their cosmology, their views on natural law, set the stage for the rules by which they lived; but our purpose here is to look at what their rules for social living were and to determine if they led towards a proprietary theory of justice. Why the Hebrews accepted these rules will be beyond the scope of this discussion. The main focus will be to identify what was probably the earliest example of a functional voluntaryist society.

According to their own scriptural history, the Jewish people, or the Children of Israel, began with the migration of their patriarch, Abraham, to Palestine sometime around 2000 B.C.. Abraham and his son, Isaac, and grandson, Jacob, tended flocks and worshipped a god they called Yahweh. They grew prosperous and powerful through their alliances with the local Canaanites. One of Jacob's sons, Joseph, was "sold into Egypt," where he eventually became the vizier of the Pharaoh. This took place sometime around 1700 B.C. When prolonged drought followed by famine struck the land of Canaan, Joseph was able to take advantage of his political position in Egypt and befriended his brothers and father when they emigrated to Egypt. Several generations of the descendants of Jacob in Egypt were enslaved by a subsequent Pharaoh, "who knew not Joseph." The Jews were forced to toil on "public works," until led out of bondage by Moses around 1300 to 1280 B.C. Moses taught them to obey and worship Yahweh, and was one of the best insurgent leaders the world has ever seen. It was during the forty years in the wilderness of the Sinai desert that the Ten Commandments were formulated, giving the Jews the guidelines they needed to live successfully as free men.

According to Hebrew tradition, the Ten Commandments were delivered by God to Moses on Mt. Sinai and came into being sometime around 1300 B.C. They are probably Judaism's greatest contribution to human civilization, since history has repeatedly shown that their violation brings disaster not only to the individual, but to societies as a whole which ignore them. Though there may be no single answer to the question "Why have the Jews survived for thousands of years?", their faithful adherence to the Ten Commandments may certainly be one reason for their continuous existence as a people.

In their original form, the Ten Commandments probably consisted of very short sentences preceded by the negative command,

and even the two exceptions (the sabbath command and the command to honor parents) were most likely originally stated in the negative. The Ten Commandments are found at two places in the Old Testament (Exodus 20:2 and Deuteronomy 5:6) but a short, primitive form of the Ten Commandments (circa 100 A.D.) will serve to illustrate its basic message:

I am the Lord thy God:

1. Thou shalt have no other gods.
2. Thou shalt not make thee idols.
3. Thou shalt not take the Lord's name in vain.
4. Remember the Sabbath, to keep it holy.
5. Thou shalt honor thy father and mother.
6. Thou shalt not kill.
7. Thou shalt not commit adultery.
8. Thou shalt not steal.
9. Thou shalt not bear false witness.
10. Thou shalt not covet thy neighbor's house.

Although several of the commandments may be regarded as religiously oriented and were addressed to individuals as part of a religious group to promote community solidarity and preservation, the main message of the Ten Commandments is moral. They impose five negative duties on every individual. The Ten Commandments convey a strong sense of individual liberty based on "the right to be let alone." They also impose on each person the responsibility of self-control for one's actions and forbid all coercive interference with one's neighbor or another's property. The three essentials of community living are singled out for protection: life, marriage, and property. They are safeguarded by the Commandments condemning homicide, adultery, and theft. Although the Ten Commandments were formulated for a society in which human slavery was accepted, early Hebrew law emphasized respect for both property rights and a respect for fellow humans as persons. This was why Jewish slavery was comparable to indentured servitude. The Jews never forgot that they were at one time slaves in Egypt and hence treated their own slaves more humanely than many other slave-owning peoples.

At Freedom School, Kevin Cullinane explains that the Ten Commandments are guidelines that "allow us to live without the Sheriff or the State. It was pure, simple pragmatism," which led him to develop this "revisionist interpretation" of the Decalogue. Cullinane extrapolates from the Commandments the following ten rules of harmonious living:

1. "Thou shalt not play God with another person's life, nor let anyone play God with your's."
2. "Thou shalt not establish label-substitutes for your principles and then worship the label, thus losing sight of the true inner reality."
3. "My word is my bond; I speak it carefully."
4. "Maintain your faith in your principles during the dark hours and realize that one must use right means."
5. "Honor the concept of motherhood and fatherhood in whomever it is found (the Jews were the first people to honor the mother)."
6. "Thou shalt not kill. Period! No Exceptions!"
7. "Thou shalt not adulterate your product, your principles, or your character."
8. "Thou shalt not steal. Period!"
9. "Thou shalt not identify fellow humans with labels of nation, race, religion, philosophy, etc..."
10. "Thou shalt not envy thy neighbor's good fortune. Rather imitate it."

After their forty year sojourn in the desert, the Israelites were led by tribal or clan patriarchs. The Twelve Tribes consisted of about 15,000 people altogether and each isolated group carried on its own affairs, uniting only when some great peril threatened one or more of them. Though there were religious leaders, there was no centralized State and they "recognized no authoritarian government." A loose confederation existed among the tribes (the technical term describing this relationship is amphictyony) but there was no provision "for a national leader who was to be the center of political and religious authority for his whole life;" nor was such power hereditary. Occasionally when there was need for united military action among the tribes, a charismatic leader, such as Joshua or Gideon, would be voluntarily chosen to bring about

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T-Bills

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One of those laws states that citizenry shall pay taxes to the state. In accepting citizenship—a voluntary act—are we not also volunteering to pay taxes? If we are volunteering then there is no force involved when the government extracts our wealth in the form of a tax. He who evades payment of taxes owed is actually failing to trade value for value, i.e., tax for citizenship. Having first accepted and taken citizenship, is not the tax evader the thief?

The critical premise in this logic is that citizenship is voluntary. Is it?

There is no doubt that one can relinquish his or her U.S. citizenship, but where could one go, or how could one function without citizenship in some country? The world is such today that there are no geographical areas (with the possible exceptions the polar regions) that are not claimed by one country or another. Inasmuch as all countries exact taxes from their citizens, as well as from their non-citizen residents, one cannot simply move out of his current political jurisdiction and thereby avoid being taxed, since he would find himself in another jurisdiction.

Further, citizenship in any particular country may or may not be voluntary, but citizenship in some country is a practical necessity. Once someone becomes a "person without a country," he is effectively prevented from legally traveling within any country, from crossing borders, and from functioning in normal trade with others.

Finally, the act of relinquishing U.S. citizenship does not exempt one from U.S. income taxes, at least in the eyes of the U.S. government. According to U.S. tax laws, an individual who relinquishes his citizenship must still pay U.S. income taxes for ten years after his citizenship is terminated.

It might be more useful to look at the citizenship question from another viewpoint—namely, that governments consider all people born within their jurisdictions to be the property of the state. Citizenship thus becomes little more than a brand placed on the person to evince ownership by the government.

The Implications

If one takes the position that the taking of property by force or threat of force is always theft, then certainly almost all government actions can be equated to the actions of any armed gang, such as the Mafia. In the same way the Mafia sells "protection," so does the government. Just as the Mafia uses force to control its "territory," extort money, and drive people out of business who are competing with its interests, so does the government.

If you accept the idea that the government is analogous to the Mafia, then your relationship with the government must be examined. Can you deal on a purely voluntary exchange basis with a known thief without yourself becoming an accomplice to the other, coercive activities of that thief? In other words, should you accept government grants, subsidies and other benefits, knowing they have been taken at gunpoint from someone else?

Many people instantly see the ethical problems in being a direct beneficiary of legal plunder, but many areas in which individuals participate in the process go unnoticed. Along this line, one reader sent the following letter:

If a person buys some kind of government debt security, wouldn't he be guilty of theft, since he is giving the government a given number of dollars and getting back at a later time more than he put in, the excess of which must be taken away from somebody else by force through taxes?

The company I represent sells term insurance and annuities, which means the money I obtain from them through the sale of annuities will be invested in government securities of some sort. Does this make the company I represent a thief? Does it make the holders of these annuities thieves? Does this make me an accomplice to the crime?

Here is one of the stickiest of all ethical questions related to individual investing, and one that almost all free market advocates either have not considered, or prefer to politely ignore.

If you lend a thief \$100, knowing that he will repay you \$150, and

that the entire \$150 will be stolen from your neighbor, are you guilty of aiding and abetting in the plunder of your neighbor? The question of ethics is not limited to the interest earned on the loan. Lending money to the thief in the first place is aiding that thief in the pursuit of his activities.

Would you lend money to your local safecracker when his business was bad and he was temporarily short of funds? Would you agree to lend money to the government of Russia; or would you have lent it to Idi Amin in Uganda; or to the German government when Adolph Hitler was in power? Would you be implicated in the crimes performed by those governments if you helped finance them with your loans?

I have pondered this question for years, and I have been unable to avoid this conclusion: the purchaser of government securities is just as guilty of participating in the activities of government, as benefitting from government plunder as is the person who accepts government benefits of any kind. If you consider theft immoral, irrational, or just antiethical to the well-being of your society, and you consider government to be a thief, then buying government securities is a wrong action.

I don't believe that this position is likely to be accepted by many people. Few would forego the benefits of Treasury securities (e.g. safety and return) in order to uphold a principle. Even if a person recognizes that buying the government's IOUs aids and abets the government's crime, the act could be rationalized on the basis that the person's contribution to the problem is so small that it doesn't matter. Or, a person could take the position that if he didn't lend the government the money, someone else would. Or, that government securities are the only absolutely safe investment on the market, and so he has no alternative.

These three arguments, however, are based on three false premises: (1) that stealing is all right if you don't steal very much; (2) that stealing is all right because someone else will steal the goods if you don't; and (3) that stealing is all right if it's the best way to get what you want. If you accept any one of these, then you can certainly justify stealing anything you want at any time.

Assuming you buy this logic, then buying government securities or participating in the marketing of government securities is a tacit acceptance of the methods of government, and the acts of theft in which government is used.

Conclusion

The moral case against taxation is strong, even though most people may prefer not to think about it. The moral case against dealing on any level with thieves is strong, as well.

If you decide that taxation is wrong, or that engaging in economic transactions with the government is wrong, don't expect much support from friends, family, or business acquaintances. You'll probably be considered a bit eccentric, stupid, and in some cases un-American if you advocate this position. In the end, however, it's your own opinion of your actions that counts.

The alternatives to dealing with and through government are obviously less rewarding in the short term than is the use of the mechanisms of government. Not all things sponsored by government can be avoided. You are not forced to accept government subsidies. You can sell your product to the free market. You are not forced to allow government to protect you from your competitors. You can beat them fair and square by building a better product. You are not forced to invest in government securities. There are plenty of private individuals and companies who will be willing to borrow money from you at attractive rates. And although the securities may carry more risk, remember that the risk-free nature of government securities is based on governments' ability to steal.

This may not be what you would like to hear. But if you're interested in your long-term well-being, rather than your short-term gain, you should consider it.

Editor's Note: The preceding article first appeared in COMMUNIST SENSE VIEWPOINT, October 1983. It has been reprinted here since it generally sets out the case for viewing "taxation" as "theft" and because it raises the thorny question of "how and how far do we distance ourselves from the State?"

Voluntary Musings

A Column of Iconoclasm

By Charles Curley

"Nothing can defeat an idea
except a better one."

— Eric Frank Russell

Praetorian Lesson: "The power of the sword is more sensibly felt in an extensive monarchy than in a small community. It has been calculated by the ablest politicians that no state, without soon being exhausted, can maintain above the hundredth part of its members in arms and idleness. But, although this relative proportion may be uniform, its influence over the rest of the society will vary according to the degree of its positive strength. The advantages of military science and the discipline cannot be exerted, unless a proper number of soldiers are united into one body, and actuated by one soul. With a handful of men, such a union would be ineffectual; with an unwieldy host, it would be impracticable; and the powers of the machine would alike be destroyed by the extreme minuteness, or the excessive weight, of its springs. To illustrate this observation we need only reflect that there is no superiority of natural strength, artificial weapons, or acquired skill, which would enable one man to keep in constant subjection one hundred of his fellow-creatures: the tyrant of a single town, or a small district, would soon discover that a hundred armed followers were a weak defense against ten thousand peasants or citizens; but a hundred thousand well-disciplined soldiers will command, with despotic sway, ten millions of subjects; and a body of ten or fifteen thousand guards will strike terror into the most numerous populace that ever crowded the streets of an immense capital."

Edward Gibbon

DECLINE AND FALL OF THE ROMAN EMPIRE
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I find this observation by Gibbon endlessly fascinating. For one thing, despite all our much vaunted progress, it is still true in all of its essentials. Perhaps a modern civilization can sustain more than a hundredth of its population in arms and idleness, but the proportion surely cannot include the vast federal and state bureaucracies who are at best merely idle, and, at worst, destructive.

For another thing, this sort of observation is a powerful argument for the breakup of massive states such as the Roman Empire. The *Pas Romanorum* was largely a fiction, and the prize of empire made rebellion attractive to many men across the Empire. Imperials came from all classes: Diocletian was the son of a slave, Theodora an actress and whore (neither a respected profession in the Christainised empire). With larger scope for their ambitions, men (and women; let us not forget Zenobia) fought for prizes a society of smaller states wouldn't allow them. Gibbon's analysis then becomes a basis for a radical decentralist viewpoint. The most radical of radical decentralists is the radical, thoroughgoing, individualist, and the most radical of those who call for peace is he who calls for peace among men as well as peace among states. Here we find a common thread between voluntaryist thought and the Green or decentralist movement.

Voluntary Conservation: The Nature Conservancy is an interesting example of a non-governmental approach to conservation. It is entirely voluntary, and solicits contributions and memberships. In 1985, the Nature Conservancy raised \$43.3 million in cash, and received \$37.1 million in land. At the end of 1985, the Conservancy had 274,396 members.

This organization runs entirely on donations, and actively buys and sells land to acquire land for conservation sites. Many donations of land are not suitable for conservation, and so are sold off. This aspect gives the private conservation organization far more flexibility than a government organization such as the National Park Service.

Much of the land is purchased, although other arrangements are made: leases, gifts, easements, and management agreements are all used to acquire land. In South Carolina, for example, THE

VOLUNTARYIST'S editor will find that the Conservancy has acquired 182 acres in 1985 alone. Again, the variety of arrangements possible make the Nature Conservancy a flexible organization.

What is interesting from the voluntaryist point of view is that there are at least 274,396 people willing to do more than sit back and 'let the government do it'. Those people are willing to ante up at least \$15 each (and probably more) for the work of the Conservancy.

Conservancy members are also willing to donate time and energy to conservation. Sometimes this is done in local offices preparing mailings and doing office work. Sometimes this is done in work parties maintaining Conservancy property. Thus a sense of purpose and community is brought to the members.

The fact that a single owner runs a piece of land means that there is no conflict on how that land is to be used. Recent conflicts over the use of the US National Forests highlight the problem of government allocation of resources. There are no such conflicts within the Nature Conservancy.

For more information: The Nature Conservancy, 1800 North Kent St. #800, Arlington, Va. 22209.

More Oxymorons: Add this to the oxymoron collection: "Pope Innocent". Innocent III, to give the most obvious example, pushed the Papal States to their greatest extent, made Portugal a papal territory from which he squeezed taxes, and interfered in internal affairs all over Europe and Britain.

Not to mention "Pope Clement."

Holiday Cheer: As this is the last chance before the November Follies, I will bid you a happy November Fool's Day. While there are no Federal Follies this year, many state and local follies are scheduled. One may readily predict the outcome of both the November Fool's Day and the April Fools' Day (the 15th, of course): the taxpayers will loose.

A Moral Riddle?

by Carl Watner

Robert Anton Wilson concludes his book, *NATURAL LAW* (Port Townsend: Loompanics Unlimited, 1986), by presenting a "moral riddle to determine the degree to which people are hypnotized by Ideology." He relates a parable from John Fowle's novel, *THE MAGUS*.

Conchis, the principle (sic) character in the novel finds himself Mayor of his home town in Greece when the Nazi occupation begins. One day, three Communist partisans who recently killed some German soldiers are caught. The Nazi commandant gives Conchis, as Mayor, a choice - either Conchis will execute the three partisans himself to set an example of loyalty to the new regime, or the Nazis will execute every male in town.

Should Conchis act as a collaborator with the Nazis and take on himself the direct guilt of killing three men? Or should he refuse and, by default, be responsible for the killing of over 300 men?

If Conchis' moral principles forbid the taking of innocent life, then clearly collaboration is wrong for him. The fact that the Communist partisans themselves had killed some Nazis (for argument sake, say they had acted in self-defense) is beside the point. Conchis would face the same problem if the Nazis had simply picked three innocent victims for him to execute. What should he do?

If he executed them, he would be clearly violating their rights to live unmolested. The fact that Conchis was threatened by the Nazis - three lives or three hundred - does not lessen his guilt; but it does make the Nazis accessory to his crime.

To argue that Conchis should never have become Mayor (a good voluntaryist argument, of course) is also irrelevant. For the Nazi commandant could have selected any innocent bystander to face the same quandry. The riddle is not dependent upon Conchis being Mayor.

I think Wilson is incorrect in stating that Conchis would "by

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T-Bills

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One of those laws states that citizenry shall pay taxes to the state. In accepting citizenship—a voluntary act—are we not also volunteering to pay taxes? If we are volunteering then there is no force involved when the government extracts our wealth in the form of a tax. He who evades payment of taxes owed is actually failing to trade value for value, i.e., tax for citizenship. Having first accepted and taken citizenship, is not the tax evader the thief?

The critical premise in this logic is that citizenship is voluntary. Is it?

There is no doubt that one can relinquish his or her U.S. citizenship, but where could one go, or how could one function without citizenship in some country? The world is such today that there are no geographical areas (with the possible exceptions the polar regions) that are not claimed by one country or another. Inasmuch as all countries exact taxes from their citizens, as well as from their non-citizen residents, one cannot simply move out of his current political jurisdiction and thereby avoid being taxed, since he would find himself in another jurisdiction.

Further, citizenship in any particular country may or may not be voluntary, but citizenship in some country is a practical necessity. Once someone becomes a "person without a country," he is effectively prevented from legally traveling within any country, from crossing borders, and from functioning in normal trade with others.

Finally, the act of relinquishing U.S. citizenship does not exempt one from U.S. income taxes, at least in the eyes of the U.S. government. According to U.S. tax laws, an individual who relinquishes his citizenship must still pay U.S. income taxes for ten years after his citizenship is terminated.

It might be more useful to look at the citizenship question from another viewpoint—namely, that governments consider all people born within their jurisdictions to be the property of the state. Citizenship thus becomes little more than a brand placed on the person to evince ownership by the government.

The Implications

If one takes the position that the taking of property by force or threat of force is always theft, then certainly almost all government actions can be equated to the actions of any armed gang, such as the Mafia. In the same way the Mafia sells "protection," so does the government. Just as the Mafia uses force to control its "territory," extort money, and drive people out of business who are competing with its interests, so does the government.

If you accept the idea that the government is analogous to the Mafia, then your relationship with the government must be examined. Can you deal on a purely voluntary exchange basis with a known thief without yourself becoming an accomplice to the other, coercive activities of that thief? In other words, should you accept government grants, subsidies and other benefits, knowing they have been taken at gunpoint from someone else?

Many people instantly see the ethical problems in being a direct beneficiary of legal plunder, but many areas in which individuals participate in the process go unnoticed. Along this line, one reader sent the following letter:

If a person buys some kind of government debt security, wouldn't he be guilty of theft, since he is giving the government a given number of dollars and getting back at a later time more than he put in, the excess of which must be taken away from somebody else by force through taxes?

The company I represent sells term insurance and annuities, which means the money I obtain from them through the sale of annuities will be invested in government securities of some sort. Does this make the company I represent a thief? Does it make the holders of these annuities thieves? Does this make me an accomplice to the crime?

Here is one of the stickiest of all ethical questions related to individual investing, and one that almost all free market advocates either have not considered, or prefer to politely ignore.

If you lend a thief \$100, knowing that he will repay you \$150, and

that the entire \$150 will be stolen from your neighbor, are you guilty of aiding and abetting in the plunder of your neighbor? The question of ethics is not limited to the interest earned on the loan. Lending money to the thief in the first place is aiding that thief in the pursuit of his activities.

Would you lend money to your local safecracker when his business was bad and he was temporarily short of funds? Would you agree to lend money to the government of Russia; or would you have lent it to Idi Amin in Uganda; or to the German government when Adolph Hitler was in power? Would you be implicated in the crimes performed by those governments if you helped finance them with your loans?

I have pondered this question for years, and I have been unable to avoid this conclusion: the purchaser of government securities is just as guilty of participating in the activities of government, as benefitting from government plunder as is the person who accepts government benefits of any kind. If you consider theft immoral, irrational, or just antiethical to the well-being of your society, and you consider government to be a thief, then buying government securities is a wrong action.

I don't believe that this position is likely to be accepted by many people. Few would forego the benefits of Treasury securities (e.g. safety and return) in order to uphold a principle. Even if a person recognizes that buying the government's IOUs aids and abets the government's crime, the act could be rationalized on the basis that the person's contribution to the problem is so small that it doesn't matter. Or, a person could take the position that if he didn't lend the government the money, someone else would. Or, that government securities are the only absolutely safe investment on the market, and so he has no alternative.

These three arguments, however, are based on three false premises: (1) that stealing is all right if you don't steal very much; (2) that stealing is all right because someone else will steal the goods if you don't; and (3) that stealing is all right if it's the best way to get what you want. If you accept any one of these, then you can certainly justify stealing anything you want at any time.

Assuming you buy this logic, then buying government securities or participating in the marketing of government securities is a tacit acceptance of the methods of government, and the acts of theft for which government is used.

Conclusion

The moral case against taxation is strong, even though most people may prefer not to think about it. The moral case against dealing on any level with thieves is strong, as well.

If you decide that taxation is wrong, or that engaging in economic transactions with the government is wrong, don't expect much support from friends, family, or business acquaintances. You'll probably be considered a bit eccentric, stupid, and in some cases un-American if you advocate this position. In the end, however, it's your own opinion of your actions that counts.

The alternatives to dealing with and through government are obviously less rewarding in the short term than is the use of the mechanisms of government. Not all things sponsored by government can be avoided. You are not forced to accept government subsidies. You can sell your product to the free market. You are not forced to allow government to protect you from your competitors. You can beat them fair and square by building a better product, less. You are not forced to invest in government securities. There are plenty of private individuals and companies who will be willing to borrow money from you at attractive rates. And although these securities may carry more risk, remember that the risk-free nature of government securities is based on governments' ability to steal.

This may not be what you would like to hear. But if you're interested in your long-term well-being, rather than your short-term gain, you should consider it.

Editor's Note: The preceding article first appeared in COMMUNIST SENSE VIEWPOINT, October 1983. It has been reprinted here since it generally sets out the case for viewing "taxation" as "theft" and because it raises the thorny question of "how and how far do we distance ourselves from the State?"

Every Man

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deliverance from their enemies.

"Prior to the time of Saul (referred to as 'pre-monarchic Israel') there was no political, administrative, or military organization which would have embraced the whole people of Israel. The only tie effectively joining the people was their faith." In the Semitic world people were grouped around their gods rather than on the basis of physical origin, blood, or geography. Identification as a Hebrew was a spiritual matter rather than a case of where one lived. Thus the early Hebrews had no such thing as a nation in the modern sense of the word. In fact, they long endured as a people (not a nation) because they had no formal State. It was Gideon (who had led them safely out of military disaster and who refused to be crowned king) who effectively expressed the Hebrew attitude: "I will not rule over you, and my son will not rule over you. Yahweh will rule over you." (Judges 8:23) Gideon recognized that spiritual bonds were mightier than political regimentation and refused to interfere in the governance of their society.

So for nearly 200 years, from Moses to the time of the monarchy of Saul (from about 1240 B.C. to 1020 B.C.) Israeli life went on without the State. There was no taxation, no bureaucracy, no public works, not even any official courts. According to the author of Judges 17:6 and 21:25, "In those days, there was no king in Israel, but every man did what was right in his own eyes." This has seemed like "moral anarchy" (the absence of any social rules) to nearly all Biblical commentators, because there was no "external authority to impose the right controls." However, the Hebrews, who practiced the voluntarist life realized that they were living in a moral universe, one of cause and effect. The absence of human authority and external control over their lives did not mean they lived in a world without natural moral guidelines. The natural laws of harmonious living outlined in the Ten Commandments served as their standards. Differences of opinion were most likely settled by clan leaders acting as arbitrators or "judges" in cases of dispute.

According to the writers of the Bible, the institution of the kingship in Israel was brought about as a reaction to the invasion of the Philistines during the end of the 11th Century B.C. The kingship was justified by the need to stave off "tyranny and invasion." "The so-called antimonarchic source of the books of Samuel, disclaimed the historical necessity of the institution of kingship and stamped the people's wishes to have a king as an apostasy and rejection of the lord's kingship." Samuel, one of their "judges" warned the people that a king would control not only the warriors but everyone and everything. "Vehemently he promise[d] them that they [would] rue the day when they first made it possible for the [S]tate, with a centralized government, to assume the right to use everyone and everything for its own ends;"

So Samuel told all the words of the Lord to the people who were asking for a king from him. He said, "These will be the ways of the king who will reign over you: He will take your sons and make them serve in his chariots ["tank corps"] and with his cavalry ["helicopter airborne"], and will make them run before his chariots ["infantry"]. Some he will appoint officers over units of a thousand ["battalions"] and units of fifty ["platoons"]. Others will plow his fields ["Department of Agriculture"] and reap his harvest; others again will make weapons of war ["General Dynamics"] and equipment for his mounted troops ["Chrysler"]. He will take your daughters for perfumers, cooks, and confectioners ["mothers out of the house and back to the factories; children to day care centers"], and will seize the best of your cornfields, vineyards, and olive yards and turn them over to his lackeys ["income tax"]. He will take a tenth ["would that it was only 10%!"] of your grain and your vintage to give to his eunuchs and his lackeys ["World Bank, United Nations, etc."]. Your slaves, both men and women, and the best of your cattle and asses he will seize and put to his own use. He will take the tenth of your flocks, and you will be his slaves. When that day comes you will cry out against

the king...." [1 Samuel 10:18] (bracketed quotes provided by Kevin Cullinane)

Thus it was that Samuel predicted the basic elements of the State: conscription, eminent domain, and taxation. Although Saul, who was appointed king by Samuel, did not exert a harsh rule over the Hebrews (even at the height of his kingdom he had no military conscription, no taxes), his successor to the kingship, David, laid the foundation for a lasting State. He conducted a census of property and military men, taxed the people, and kept a large standing army. The institution of the monarchy clearly marked the beginning of the separation of the civil from the religious leadership in Israel. This meant that Israel was now to have a political history independent of her religious history.

Both the Ten Commandments and Samuel's prophecy regarding the destructive nature of the State, remind us of the radical libertarian tradition's opposition to any and all forms of invasion against property and bodily rights. Certainly if the proprietary concerns of the Decalogue were honored, the world would be much closer to (if not arriving at) a libertarian condition. The respect for proprietary justice found in the Ten Commandments is a universal guideline for all peoples at all times. Although its concern is not unique, it is one of the earliest and most consistent applications of proprietary justice to be found in world history.

This article has had a rather limited scope: to establish and identify the basic tenets of the Old Testament heritage as it relates to the libertarian tradition. While this heritage has played a very significant part in the development of Western civilization, the anti-State attitude of Samuel and the Jews of the Exodus is practically non-existent today. Nor have the proprietary concerns of the Ten Commandments been able to overcome the statist bias of other influences on Western civilization (such as the Platonic, Greek emphasis on the State). Nonetheless, we should not lose sight of the fact that a voluntarist society existed for two centuries, some 1000 years before Christ and that probably the earliest known opposition to the idea of the State is found in Jewish literature.

P.S. This article was researched and written between October 1986 and February 1987. After seeing the references to 1st Samuel in Whole Number 25 of THE VOLUNTARYIST, in February 1987, Charles Curley was kind enough to point out to me that Thomas Paine dealt extensively with this Biblical passage in the second chapter of COMMON SENSE, which is entitled "Of Monarchy and Hereditary Succession." The following excerpts are typical of Paine's outlook:

Government by kings was first introduced into the world by Heathens, from whom the children of Israel copied the custom. ...

As the exalting of one man so greatly above the rest, cannot be justified on the equal rights of nature, so neither can it be defended on the authority of scripture; for the will of the Almighty, as declared by Gideon and the prophet Samuel, expressly disapproves of the government by kings. All anti-monarchical parts of scripture have been very smoothly glossed over in monarchical governments, ...

[Paine then goes on to cite the words of Gideon and Samuel, concluding that] These portions of the scripture are direct and positive. They admit of no equivocal construction. That the Almighty hath entered his protest against monarchical government is true, or the scripture is false.

It must be noted, however, that Paine was limiting the application of the 1st Samuel passage to monarchies. He did not apply it to other forms of the State. The thrust of COMMON SENSE was that the colonists must declare their independence from George III and found a new nation without a king.

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A Moral Riddle?

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default" be responsible for the killing of over 300 village men if he refused to kill the three Communists. It is the old distinction between acts of commission and acts of omission. Conchis' failure to kill three innocent men would no more make him responsible for the deaths of the three hundred than his refusal to feed a starving man would make him responsible for that man's death. Justice is a negative duty. It consists in doing no harm to others and implies no positive or special obligations.

Based on the voluntarist conception of "freedom is self-control," each person alone is always responsible for the actions he or she takes, even if threatened by some outside force. If the principle of "no aggression against non-aggressors" (that is, libertarians all agree that it is morally improper to violate the rights of innocent persons) can be used to identify libertarians, then why does Wilson find this such a riddle? Doesn't he agree that it is wrong to kill innocent men? Of course, it is hard to think that 300 people may die but shouldn't libertarians be prepared to let justice be done, though the heavens fall? Or should they be prepared to abandon their principles at the first threat? And if they do abandon their principles, do not they forfeit their claim to being called libertarians?

P.S. Before this article went to press, Fred Foldvary of Berkeley, California made the following comments:

Dear Carl:

I disagree with your analysis of the moral situation posed by Wilson. When X forces Y to do act A, the moral blame lies with X, not Y. For example, if someone told me I would be killed if I did not steal something, my stealing it is not morally wrong; it was not my choice to steal and the true thief is the one who forced me to do it.

Similarly, if X threatens to do act B if Y does not do act A, and Y regards B as worse than A, then Y's doing A, under compulsion, is not necessarily wrong. I think that neither Conchis' executing 3 men nor his refusal would be morally wrong. If he executed 3 men to save 300, the moral agent responsible is not Conchis but the Nazi who compelled the choice.

But Wilson does not see the irony of his position, for Wilson's opposition to natural law means that Wilson would not consider the Nazis to have done anything evil, nor by his stand would Conchis have any moral problem, since for Wilson there is no good or evil. Anyone who finds the problem "terrible and terrifying" would have to have a moral belief, and would thus be subject to the alleged hypnosis that Wilson accused moralists of. Wilson wants to have his cake and eat it.

Best regards,
Fred

The following additional comments were sent to Fred in response to his letter.

P.P.S. The contention that a person is not responsible for his or her actions when under duress or threats of coercion stands in direct contravention to the voluntarist view that each person is always responsible for his or her own actions. A person may not like the choices he is faced with - but this in no sense lessens personal responsibility. If we accept Fred's position, then the doctors who experimented on people in Nazi concentration camps would be exonerated because they acted under threat of being killed themselves. It is my belief that a man should be responsible for criminal acts, such as murder, even where his refusal would result in his own death or the death of others.

This also brings to mind one aspect of the stoic virtues taught by Bob LeFevre and Kevin Cullinane in Freedom School. In some instances, when pressed by violence, men ought to surrender their lives, rather than submit to acts of turpitude or ignominy for the sake of prolonging their existence. It is not a question of when we will die, for we shall all die sooner or later. The question is how we deport ourselves while we are here. To engage in murder of innocents is never right, even if we ourselves get murdered in the process of resisting.

Even apart from the question of personal responsibility, aren't

the three innocent men having their rights violated by being murdered? If that is so, how could Conchis or anyone else ever be justified in taking their lives, even if 300 others might lose theirs? Aren't the rights of the three equal to the rights of 300?

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Inside Traders

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general public. Second, the organized exchanges on which these shares are traded, could, as a precondition to the listing of these shares, make it a prerequisite that no trading be engaged in which is based upon insider knowledge.

It is clear that the insider acts on his knowledge of new conditions and events. But does the insider act any differently than the homeowner, who early on finds out that a freeway will pass next to his home? The homeowner may very likely find a purchaser who is not yet aware of this fact and who is thus willing to pay a price higher than the home will be worth when the freeway is completed. Fraud would be involved should the prospective purchaser ask the seller about the freeway and get an answer which affirms the freeway will not be coming near the house. However, in the absence of such a question, the buyer is bound by the rule of "caveat emptor."

We are all inside traders when it comes to transactions which involve us personally. Given the fact that we are all unique individuals with different desires, needs, and perceptions, there is a great deal of "non-public" information which is not known about us. Unless we divulge it, no one else has access to another's personal value scale. So it seems quite an anomaly for the SEC to prohibit insider trading on the organized stock exchanges and yet not prohibit it in the vast number of other transactions which take place daily.

The last thing we need is more laws to prevent insider trading. What was the status of inside trading in the "law merchant" before the Securities and Exchange Commission was created? It was most likely "caveat emptor." Certainly customary practice and the "law merchant" is capable of arriving at solutions to this problem. It might well be that some stocks might trade "inside trading prohibited," while others trade "caveat emptor - insider trading not prohibited." But whatever the outcome, it is clear to me at least, that we ought to "defend the undefendable" inside trader because the distinction between inside traders and others is a fallacious one.

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1962 (in 4 volumes). (Deals with the nature of Israeli voluntarism and rejection of the monarchy.)

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A Moral Riddle

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Fred's response to my P.P.S. was as follows:

Dear Carl:

I'm afraid our disagreement will play right into Wilson's hand, since he likes to show how natural-law people disagree. However, one of us is clearly in error, and a careful, logical discussion should show which one.

Let's go back to the origin of natural moral law. Why does morality exist? Because human beings are creatures able to make reasoned choices, and are able to control their behavior in view of its effect on others. Morality thus presupposes a free choice over one's acts.

If, however, an act is compelled, then the rationale for morality does not apply. If someone physically forces you to hold a knife and enter it into someone's body, killing him, you have exercised no choice of will, and have therefore done no evil. The evil was committed by the one who forced you.

Once this principle is recognized, it follows that an act committed under threat is also not a free choice, and thus the moral responsibility is lessened (depending on the degree of force and the alternatives). If someone were to say he would kill you if you did not steal a dime from someone, and you knew for sure he would carry out the threat, and there was no possibility of escaping it, then to say that you are morally guilty of the theft is to say that you must sacrifice your life for the most trivial sake of another (the victim of the theft). But natural law does not require you to sacrifice your life, and the agent responsible is the one who compelled the choice.

In general, if X gives Y the choice of committing B or else X will do act A, where A results in greater harm, or substantial harm to Y, then Y is not morally responsible if he does act B. This is correctly recognized by laws in the United States (see "Duress" below).

You wrote that the voluntarist position is that each person is always responsible for his own actions. This requires a person to be a hero when faced with the threat of force. For example, if someone threatens to torture you or kill you unless you reveal information which may harm others or violate some promise or contract you made, voluntarist principles require you to be silent and undergo torture. It is strange that a morality that says one need not sacrifice oneself for another would require one to sacrifice oneself when evil is done to him.

If you say one is "responsible" for one's actions, how is "responsible" defined?

On your example, I don't think the Nazi doctors who experimented on people in Nazi camps were forced to do so under threat of death. If any were, then those who applied the force were indeed morally responsible, not those forced to do the act.

In the case of the Mayor and the three partisans, Conchis would not be morally wrong to take the three lives if he knew for sure that

MAIL AUCTION

A complete set of the 16 issues of *RAMPART JOURNAL OF INDIVIDUALIST THOUGHT* (1965-1968) has been donated to *THE VOLUNTARYIST*. Published by Bob LeFevre at the Colorado Freedom School, the JOURNAL contains reprints of articles written by 19th Century libertarians like Auberon Herbert and Lysander Spooner. There are also original articles by LeFevre, Rothbard, Childs and other well-known libertarians of the late 1960's.

A few issues are slightly water damaged, but remain intact and usable.

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the Nazis would kill 300 otherwise, because his act is not a free choice. The rights of the 3 would be violated not by Conchis but by the Nazis who made the threat.

Black's Law Dictionary, explaining "duress", states that "One who, under the pressure of an unlawful threat from another human being to harm (or to harm a third person), commits what would otherwise be a crime may, under some circumstances, be justified in doing what he did and thus not be guilty of the crime in question." Thus I believe that not only logic, but common law and most ethical philosophers are on my side. If the voluntarist view differs, I would like to see an explanation.

Best regards,

Fred

Reader comments are welcome.

The Voluntarist

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