
The Voluntaryist

Whole Number 100

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

October 1999

Consent, Obligation, and Anarchy

By A. John Simmons
Consent and Voting

What is to be made of the claims that voting or continued residence in a democratic state constitute ways of giving consent? Let me consider these suggestions in turn, beginning with the view that having or exercising the right to vote establishes that the governed have consented in an appropriate fashion to legitimate governmental control. This claim is a familiar feature of liberal democratic rhetoric; and it may be... an issue more directly relevant to Locke's thought than is commonly supposed. First, of course, it makes a difference whether it is claimed that consent is given by the mere possession of a right to vote, or only by actually *exercising* that right (i.e., voting). The first, stronger version of the claim (that mere possession of a right to vote is sufficient) would justify asserting that *all* citizens in typical democracies are consenters. It is hard to see, though, how consent could be given simply by having a right; this appears to conflate with actually consenting. The weaker version of the claim (that actually voting is what gives consent) initially seems more reasonable. It, however, faces difficulties of a different sort. In the first place, many citizens in existing democracies fail to vote in particular elections, many vote in none at all, and very few citizens vote in *all* democratic elections. Presumably, then, some citizens' consent is much more extensive than others', while non-voters cannot be understood to have consented at all. And one would have to assume that since what is typically voted *for* is a candidate for a political office of limited term, consent is given only to the authority of that candidate for that term. This seems far short of the overarching consent to the authority of government that was supposed to be given in the act of voting.

Perhaps this conclusion will incline us away from the weaker claim about voting back toward the stronger. Perhaps the stronger claim is really this: in possessing the right to vote in a democratic society, we possess the power to change laws, alter the constitution, remove public officials, and so on. Insofar as we do *not* do these things, we can be understood to consent to the authority of the law, constitutional provisions, and political officeholders. Again, this is all familiar enough from the rhetoric of democratic life, but it involves so many confusions that I despair of mentioning them all. It once again involves confusing "going along with" something, or acquiescing in

it, with consenting to it. It involves supposing that consent can be given to arrangements (laws, officeholders) of which one may have no knowledge and without intending to consent to anything. *Failing* to do something can only be a way of consenting when that inactivity is in response to a clear choice situation, only when inactivity is significant as indicating that a choice has been made (and, as we will see, not always even then). Inactivity that results from ignorance, habit, inability, or fear will not be a way of consenting to anything. Citizens of modern democracies are not continuously, or even occasionally, presented with situations where their inactivity would represent a clear choice of the status quo.

But I have not yet mentioned the most obvious, and most damaging, shortcomings of the strong claim about voting. Individuals in democratic societies do not possess the right to change laws, constitutional provisions, or public officials. Only majorities possess this right. There is, then, no sense at all in which *my* failure to exercise *my* right to do these things constitutes *my* consent to the status quo. I have no such right. Nor is there any obvious sense in which I have granted the majority the right to act for me in these matters. For that one would need, in any event, a unanimous *prior* consent to majority rule that could not have been given by voting (as in Locke's account of the origin of a legitimate polity...). Majority rule in actual practice, however, is a product not of individual consent but of political convention. There is, of course, a clear sense in which "the people" as a whole or "the body politic" possess a right to alter their political institutions (and the like) in a democratic society. Is the failure of "the people" to accomplish such alterations a sign of the consent of the governed? Claiming that would involve the same confusions that I noted in the individual case. The maxim that "silence (or inactivity generally) gives consent" is a very misleading one. Silence virtually *never* gives consent. It does so only where that silence is a freely chosen response to a clear choice situation. And even if the silence of "the people" did give a kind of consent to democratic institutions, this "consent" in no way translates into the individual consent of particular citizens living in the state.

One final but extremely important point: we would do well to remember that voting is often a way not of consenting to something, but only of *expressing a preference*. If the state gives a group of condemned prisoners the choice of being executed by firing squad or by lethal injection, and all of them vote

continued on page 4

The Voluntaryist

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Subscription Information

Published bi-monthly by The Voluntaryists, P.O. Box 1275, Gramling, SC 29348. Yearly subscriptions (six issues) are \$18 or .06 ounce or 1.866 grams of fine gold. For overseas postage, please add \$5 or $\frac{1}{3}$ of the regular subscription price. Single back issues are \$4 each or $\frac{1}{6}$ of the regular subscription price. Please check the number on your mailing label to see when you should renew.

Back issues of this publication are available on microfiche from John Zube, Box 52, Berrima, NSW 2577, Australia.

Why I Refuse to Register (To Vote or Pay Taxes)

To the Editor of THE VOLUNTARYIST,

I am anonymously sending this letter to you after looking at THE VOLUNTARYIST website while surfing the internet (<http://members@aol.com/vlntryist>). It appears that my ideas might fit somehow with what you call voluntaryism.

I am one of the tens of millions of Americans who don't file tax returns or voluntarily pay taxes. I'm writing this letter to explain something that you and your readers may not be aware of. The reasons for not filing tax returns or voluntarily paying taxes, and not voting, are similar.

They are similar in that both taxes and voting are activities that demand involvement with that coercive institution known as government. Government exercises a monopoly of legal control over a certain geographic area. This encompasses coercive monopolization of the major services that it provides us. To fund these services, the government unilaterally imposes a compulsory levy upon us. These "taxes" are not based on the amount of service the government provides us, nor upon our request for them. (The government does not offer us the opportunity to do without a particular service, or shop elsewhere for it, or to negotiate the price.) It doesn't care if we didn't want the service, didn't use all that was offered, or simply refused it altogether. The government declares it a crime if we refuse to pay all or part of "our share." It attempts to punish this refusal by making us serve time in jail or confiscating some of our property, or both.

The main reason, however, why I refuse to pay taxes is that I don't want to give my sanction to the government. I, for one, do not consent to our particular government, nor do I want to support any coercive institution. I object, on principle, to the forced collection of taxes because *taxes* are a euphemism for *stealing*. (By stealing, I mean taking another person's property without his voluntary consent.) Stealing is not an activity that leads to social harmony or prosperity. Stealing is anti-life. It is not an activity that can be universalized. If it were, it would result in death and destruction for

all. Furthermore, "stealing" or "taxation" is wasteful. Everyone agrees that government money is spent unwisely, wastefully, and on at least some project(s) which would not be voluntarily supported by some taxpayers. But, even if the spending were not wasteful or for some improper purpose, I would still object strenuously because taxes are theft. In other words, I object to the means (the compulsion used by the government) - regardless of how efficiently the money is spent or what it is spent on. I do not want it said about me that I cooperated with the government.

Similarly, I refuse to participate in the electoral process (I simply refuse to register to vote) because I do not want it ever said that I supported the state. When you play a game, you agree to abide by the rules and accept the outcome. Well, I simply refuse to play, and in clear conscience can say that I am not bound by the outcome. Furthermore, there many reprehensible activities taken by the government (you choose your own example) which I do not wish to support. Governments need legitimacy, and one of the major means of establishing legitimacy is to claim that the voters support the government. Just imagine if everyone refused to vote and pay taxes. Government would shrivel up. But, before that happened legislators at every level would probably pass laws that would make voting compulsory. This has already happened in some countries.

The greatest power that a person possesses is the power to choose.

I recently read an article by Charles Reich (from his column, "Reflections," on "The Limits of Duty") that appeared in the June 19, 1971 issue of THE NEW YORKER. It was written during the Vietnam era, when many draft-age college students were resisting conscription into the United States military forces. Reich wrote:

Perhaps the best way to understand those who have resisted the draft - by seeking conscientious- objector status, by going to jail, by fleeing to Canada - is to acknowledge that they are demanding to live and to be judged by the old standards as fully responsible moral beings. They are seeking law, not evading it. Finding no acceptable standard of conduct available in today's organizational society, they have gone to standards that are not their own personal fiat but the old, traditional standards of religion, ethics, and common law. They are saying that they refuse to act in a way that common experience tells them will produce evil - evil that we know about or should know about. (emphasis added, p. 55)

In other words, in refusing to register to vote and in refusing to "register" to pay taxes, I am going back to "the old, traditional standards of religion, ethics, common law," and common sense. I am refusing to act in a way that produces or contributes to evil. I rest my case. [v]

The Low Cost of Living

By W. Michael Cox

"The real price of everything... is the toil and trouble of acquiring it," wrote Adam Smith in *THE WEALTH OF NATIONS*. Inflation has been nearly nonexistent for the past several years, but by Smith's definition real prices, especially of relatively new types of products, have been declining dramatically for decades. Americans today have to work much less hard to acquire more and better products than they did a generation ago.

Using historical data on factory workers' average hourly wages, we tracked the hours of work required of middle-income Americans to buy a variety of products. The table nearby shows the falling real prices of a variety of consumer items introduced during the 20th century.

What the table shows is that products tend to start out so expensive that only the wealthiest can afford to buy them. Within just a few generations, however, a product's real price falls, making it available to the masses. When the Ford Model T was introduced in 1908, for example, it cost more than 2.25 years' worth of factory wages; by 1920, an improved model cost slightly less than a year's wages. Today's Ford Taurus sells for just eight months' income.

"Governments and their agencies must ultimately rely on the use of force (or its threat) to compel compliance with their laws and dictates. That is why they maintain armies, police forces, and any other variety of armed agents—Gestapo, KGB, Red Guards, IRS, or whatever. The bland visage of the bureaucrat belies the fact that, at bottom, his authority derives from the barrel of a gun."

—AIER RESEARCH REPORTS,
May 11, 1998, p.4.

A color television required roughly 562 hours' work to purchase in 1954 and 114 hours in 1970; today its toll is only 23 hours. The price tag on Amana's first microwave was about \$3,000 in 1947, or 2,467 hours of factory work at \$1.22 an hour. By 1970, the work-time cost had fallen to 176 hours. Today it's just 15 hours. This pattern is repeated time and again as products enter the economy and ultimately become affordable to the middle class.

Consumers owe their good fortune in large part to the rich. Through initially high prices, it is society's wealthiest who pay the fixed cost of bringing goods to market. The first coast-to-coast telephone service was available in 1915, made possible by thousands of miles of lines strung along poles adjacent to railroad tracks. AT&T's fixed-cost investment was enormous, and the first three-minute coast-to-coast calls cost \$20.70—the equivalent of more than 90 hours in factory wages. Today a three-minute call costs just

two minutes' work. The rich footed the bill for bringing long-distance service to the rest of us; today we're all rich by the standard of 1915.

It's about to happen again. Later this year, companies introduce the first high-definition television sets. Like most new goods, HDTV sets will start out expensive, about \$5,000 to \$10,000. And, as with most new goods, consumers can already be heard saying, "I'm waiting until the price comes down before I buy one." Just how long middle-income America will have to wait to afford HDTV, no one knows. Almost surely, though, the product will ultimately spread to the masses, as have nearly all of capitalism's creations.

Without the wealthy, fewer new goods and services would find their way to the rest of us. Indeed, the wealthy's free spending spurs a democracy of consumption because it starts the process of lowering prices. The system harnesses the spending of a relative few and puts it to work delivering goods to the many. Thus, far from being a blight on society, unequal income distribution drives society forward.

And today this process happens faster than ever. A cellular phone costs just 2% of what it did a decade and a half ago, and computing power is less than 1% of its 1984 real price. Within the space of just one generation—not two or three as in yesterday's economy—capitalism's delivery system now spreads the wealth.

What better proof could there be that free enterprise is society's greatest welfare program? ▢

[Mr. Cox is vice president and economic adviser at the Federal Reserve Bank of Dallas. Reprint permission granted by author's letter dated April 29, 1998; and by fax from Lissa Rossi dated April 23, 1998. Reprinted with permission of *THE WALL STREET JOURNAL*, April 9, 1998, p. A22. Dow Jones & Company, Inc. All rights reserved.]

LUXURIES NO MORE

Average number of hours' labor needed to purchase various products.

EARLY YEAR	PRODUCT	EARLY COST	1970 COST	1997 COST
1908	Automobile	4,696	1,397	1,365
1915	Refrigerator	3,162	112	68
1915	Long-distance Call	90	0.4	0.03
1917	Movie Ticket	0.48	0.47	0.32
1919	Air Travel, 1000 mi.	221	18	11
1919	Chicken, 3 lb. Fryer	2.6	0.4	0.2
1947	Microwave Oven	2,467	176	15
1954	Color Television	562	174	23
1971	Soft Contact Lenses	95	n/a	4
1972	VCR	365	n/a	15
1984	Cellular Phone	456	n/a	9
1984	Computing*	57	n/a	0.4

*Million instructions per second

Source: Federal Reserve Bank of Dallas

Consent, Obligation, and Anarchy

continued from page 1

for the firing squad, we cannot conclude from this that the prisoners thereby consent to being executed by firing squad. They do, of course, choose this option; they approve of it, but only in the sense that they prefer it to their other option. They consent to neither option, despising both. Voting for a candidate in a democratic election sometimes has a depressingly similar structure. The state offers you a choice among candidates (or perhaps it is "the people" who make the offer), and you choose one, hoping to make the best of a bad situation. You thereby express a preference, approve of that candidate (over the others), but consent to the authority of no one.

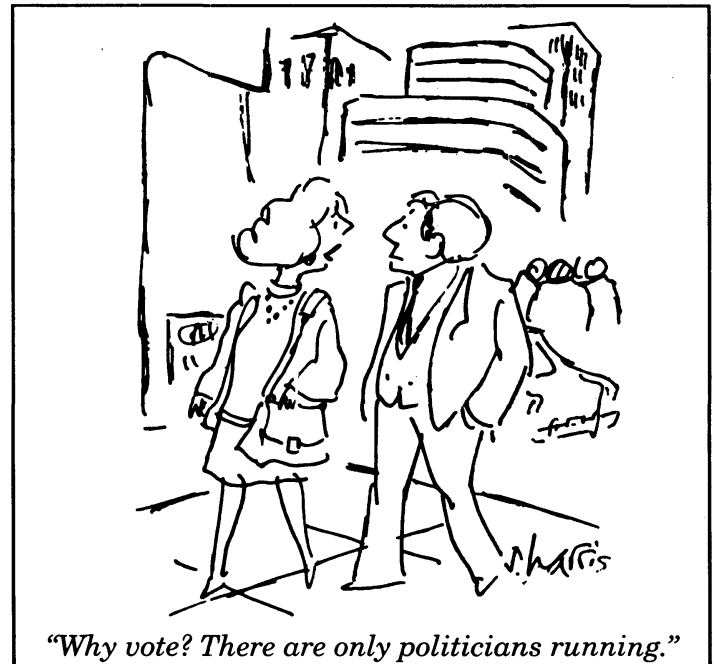
Those who wish to defend the weaker version of the voting consent thesis in the face of such objections, insist that voting in a democratic election is necessarily a way of consenting because there are clear conventions governing such elections. It is made clear to voters that in casting their ballots they are participating in a political process designed to produce a result that all are morally obligated to accept. You cannot perform the acts that are clearly indications of consent (to the authority of the elected candidate) and then happily argue that you were only expressing a preference, not consenting, any more than a person can say (with a full knowledge of the implications), "I consent to X" and then claim not to have consented to X after all. Certain acts, when performed knowingly, intentionally, and voluntarily, just are acts of consent, like it or not.

Is voting in a democratic election such an act? It seems obvious to me that it is not. In the first place, the conventions governing such elections are hardly crystal-clear; one could be forgiven for not understanding the (alleged) moral significance of casting one's ballot. I would guess that average voters have very little sense of what they have committed themselves to by voting. This conjecture, if true, is especially damaging to the argument under consideration; for the more centrally our important interests are involved (as they are in political cases), the clearer our signs of consent must be for them to bind us. But even if I am wrong in my guess, the government *itself* in effect routinely declares in modern democracies that voting is *not* a way of morally binding oneself to the state. For voting is typically portrayed not only as a right, but as a *duty* of citizens, suggesting that the status and duties of citizenship have some entirely different basis than the "consent" given in voting. Nor is it ever suggested that by *not* voting one would be freed of obligations that voters voluntarily assume. In short, the government makes it clear that we should go to the polls and express our preference, but that our political obligations (and its rights over us) in no way depend on this and will be in no way altered by failing to do it. Our conclusion

must be that the conventions governing democratic elections, and the rhetoric surrounding them, do *not* establish that voting is a way of undertaking obligations and granting authority (i.e., a way of *consenting* in the sense that interests us here). And, of course, if the conventions in this area are not clear on that point, voting simply is not a way of giving consent, unless it is accompanied by some (nonmechanical) further act of consent.

Consent and Residence

Let us turn, then, to the second (Locke's) proposal concerning the consensual basis of a free society: that by continuing to reside in a state that we are free to leave (whether by taking possession of land or not), we give our consent to the authority of its government, at least during our residence. Some nondemocratic (and even quite oppressive) governments, of course, also give their citizens the right to free emigration. So if the consent theorist can defend this thesis, he will either have shown that government by consent is a reality (and hence that government is morally legitimate) in more states than we might initially have expected, or else he will be obliged to defend severe limits on what our consent can bind us to (as in Locke). But it is surely a standard feature (if not a defining characteristic) of democratic societies that they allow such free emigration. So in examining this line of argument we will also be saying something special about the respects in which democratic governments enjoy the consent of the governed.



The view that residence (at least in certain kinds of states) constitutes consent has enjoyed a long history. It was first suggested by Plato in the *CRITO*, of course, long before Locke's *TREATISES*. Others among the classical contract theorists (such as Hobbes and Rousseau) and many philosophers in this

century have agreed with Locke. In MORAL PRINCIPLES AND POLITICAL OBLIGATIONS, I argued against the view that continued residence, even in democratic states, could properly be taken as an act of consent to the authority of government. While my views on the proper conclusion of the argument have not changed significantly, I do believe that the case I presented there was too weak to establish that conclusion. I will try to remedy that defect here.

We must begin with the most general conditions for an act to be an act of binding consent (i.e., for consent to be a clear ground of obligation and right-transfer). Consent must, first, be given knowingly and intentionally. Second, binding consent must be given voluntarily. Consent can ground obligations only when it is freely given and adequately informed. These requirements apply, I will suggest, even where the alleged consent is (as in the case of continued residence) tacit only. Let me take these requirements separately, beginning with the requirement that binding consent be given knowingly and intentionally.

Where an apparent consentor has tried to do something other than consent (or tried to do nothing at all), or where, as a result of incapacity, ignorance, confusion, or fraud, he does not fully comprehend what he is taken to have consented to, there is no (or only appropriately circumscribed) binding consent. When the (very) confused foreigner, speaking (very) little English, tries to order a pound of bologna with the words, "I consent to your authority over me," he has consented to nothing. Only when the appropriate words, actions, or inaction are intentionally utilized with awareness of their significance can binding consent be given.

This seems to be taken for granted in the following passage from Hume's essay: "It is strange that an act of the mind, which every individual is supposed to have formed, and after he came to the use of reason, too, otherwise it could have no authority; that this act, I say, should be so much unknown to all of them, that over the face of the whole earth, there scarcely remain any traces or memory of it."

Here Hume insists that consent is "an act of the mind," by which we may (charitably) understand him to mean that consent must be an intentional act, undertaken with reasonably full awareness of its significance and consequences. Where there is no awareness of having consented, no consent has been given. If Hume is right in this claim, then he is also right that the honest testimony of each of us will ultimately determine whether we have consented to our governments' authority (assuming only that our memories are accurate). And if we further accept, as I believe we should, that very few ordinary citizens are aware of ever having given consent to their governments' actions, this will count heavily against the "generality" of consent theory's account of political obligation and authority. Hume applies the point

thus, in his challenge to the view that residence gives consent:

Should it be said, that, by living under the dominion of a prince which one might leave, every individual has given a tacit consent to his authority, and promised his obedience; it may be answered, that such an implied consent can only have place where a man imagines that the matter depends on his choice. But where he thinks (as all mankind do who are born under established governments) that by his birth, he owes allegiance to a certain prince or a certain form of government; it would be absurd to infer a consent or choice, which he expressly, in this case, renounces and disclaims.

Continued residence cannot be taken to ground political obligation unless residence is understood to be one possible choice in a mandatory decision process. Residence must be seen as the result of a morally significant choice. It is not enough that the choice is available; it must be understood by each person to be a required choice, with mere residence not constituting, for instance, a way of declining to choose. And in Hume's view, of course, these conditions are not satisfied in our actual political lives. Residence requires no "act of the mind" as consent does.

"One is a lie, two are lies, but three is politics."
— An old Jewish proverb

To the consent theorist inclined to try to avoid this conclusion by *denying* that binding consent must be knowingly and intentionally given, it seems sufficient to point out that consent theory is in fact committed to *accepting* this requirement. As we have already seen in the case of Locke, the consent of which the consent theorist speaks must be consent knowingly and intentionally given, for several reasons. First, the consent theorist is attempting to utilize in his work a plausible theory of obligation; the consent with which he concerns himself must be a clear ground of obligation. But surely it is only consent that is intentionally given that satisfies this condition. Consent in any looser, wider sense would be a considerably less convincing example of an obligation-generating act; where the "consent" is given unknowingly, its moral significance becomes extremely doubtful. Second, the most basic point of consent theory, we should remember, has historically been to advance an account of political obligation that is consistent with our intuitive conviction that political bonds cannot be forced on any individual, or fall upon him against his will. Political allegiance is to be a matter for each person's decision, for each is naturally free, with strong rights of self-government (the central thesis of any political voluntarism, like Locke's). Authority exercised over subjects without their permission is illegitimate. But if this ideal of a "free choice" is to be given more than mere lip ser-

vice, the consent that legitimates political authority must be knowingly and intentionally given. Only the satisfaction of this condition will guarantee that a genuine decision has been made, and a consent theory that recognizes other sorts of consent as binding will undermine its own intuitive support.

We can understand Hume's argument, then, to have two points. It can be seen first as an attack specifically aimed at Locke. For when Locke claims that mere residence in a state constitutes consent to its authority, he seems to allow the possibility that we can give binding consent unknowingly, by merely going about our business. And Hume surely saw this as a case of Locke's sacrificing at once the plausibility and the integrity of his consent theory (and not, as I have urged, as a case of Locke's illegitimately extending the term "consent" to cover the grounds of nonconsensual special obligations). But the broader point of Hume's argument challenges any consent theory, not only Locke's. For if the consent theorist must insist on the intentionality of binding consent, as we have argued, then the consent of ordinary citizens cannot be a subtle process of which "people take no notice . . . thinking it not done at all" (II, 117). The act that binds us to our political community cannot be one whose true significance is unknown to the actor. Even the person of less than average intelligence must know that he consents when he does so. Hume's simple point, then, seems to strike home. If there is no widespread awareness of the process of political consent, consent theory's account of political obligation cannot have the wide application its proponents have supposed.

The argument cannot, however, be won so easily. Hume's attack on consent theory might be challenged at two points. First, it might be suggested that there are some cases in which unintentionally given consent can be taken to ground political obligations, without this suggestion conflicting either with good sense or with the spirit of consent theory. Second, one might claim that Hume is mistaken in his observation that most persons are unaware of ever having given their consent. Harry Beran, for instance, seems to argue in both of these ways in the course of defending the view that political consent is given by continuing to reside within the boundaries of the state after reaching the "age of consent."

It is hard to deny that there might be some cases where it seems possible to give binding consent without intending to do so or being aware of the consequences of our act. We have already mentioned such cases—those where people perform an act that is clearly established by convention as an act of consent, but claim not to have intended to consent to anything in their performance. Where this claim is a result of understandable ignorance or confusion, we will not regard the performance as consensual (as in the case of the foreigner who uses words in ignorance of their meaning). But what about cases where the

ignorance claimed is harder to understand? For instance, consider the case of a man who enters a restaurant examines the menu, and asks for the filet mignon (clearly priced on the menu he has examined). After eating and being presented with the check, he claims not to have been aware that he would have to pay for the food. He takes himself to have consented to nothing. Now assuming that the man in question is a normal, healthy, literate person, reared in a normal way, we can react to him in one of two ways. Most likely, we will take him to be a troublemaker who knew full well that his order amounted to an agreement to pay for the food. If he seems sincere and genuinely puzzled, however, we might check him out with our local polygraph examiner. When we find, to our surprise, that he has been speaking the truth, what should we conclude about his startling ignorance? Has he made a binding agreement (given binding consent) to pay for the meal, or not? One plausible answer is this: insofar as he has not been deprived in any way of the opportunity to learn about the conventions governing ordering in restaurants, and insofar as it would have seemed appropriate for him at least to have asked about the rules before eating, his ignorance is neither understandable nor excusable. It is genuine, but *negligent*, ignorance. And we will take him to have made a binding agreement to pay for his food, despite the absence of any intention on his part to do so. Ordinary, excusable ignorance defeats the claim that consent was given. Negligent ignorance may not.

"Throughout the world and throughout history, . . . , national leaders have typically not had normal, well-adjusted personalities. Completely adjusted personalities seldom go into politics,"

—THE WALL STREET JOURNAL, Aug. 19, 1998, p. A18.

I emphasize this point only because it seems to be a key to Beran's response to the Humean argument we have been considering. Beran, in fact, admits that the Humean argument constitutes "a very persuasive objection," and he seems willing to grant as well its key premise: that "ordinary people are not aware that their remaining within a state when they cease to be political minors counts as their implicit agreement to obey." How, then, can he avoid the conclusion that very few ordinary people have political obligations grounded in "consent through residence"? Beran's answer is that while people do not commonly see that continued residence counts as an agreement to obey, they do understand that by remaining in the state they "accept full membership" in it. And because the state is a rule-governed association like others with which they are familiar, they should be able to see that such "acceptance of membership" entails an obligation to follow the rules. If they do see this, then

they properly understand the significance of continued residence, and can be taken to agree to obey. But if they do not make the necessary inference, their residence can *still be* taken as an agreement to obey. "For ignorance that doing W counts as agreeing to do X is only a conclusive defense against the claim that one has agreed to do X if such ignorance is not negligent." And this failure to see that one's acceptance of membership involves obligations "may well be negligent, since people should consider what moral significance there is in their new status and their new rights." So, Beran can conclude, in spite of the objection we have raised, that those who continue to reside in a state can be understood to have agreed to obey (at least, we might add, if they do not publicly reject the state's authority).

"War is just another government program."
—Joseph Sobran

Beran's defense, in order to be convincing, must persuade us on two main points. First, we must be persuaded that ordinary people do in fact regard continued residence after their political minority as a way of "accepting full membership" in the state. And second, we must be convinced that they regard the "association" in which they "accept membership" as very much like other rule-governed associations with which they are familiar. For only if they "accept membership" with such an understanding could they possibly be considered *negligent* in failing to see that they have undertaken political obligations; it is only by virtue of their familiarity with ordinary, everyday rule-governed associations that they could be presumed to know that becoming a member necessarily involves assuming obligations (they are not, after all, moral philosophers).

Now both of these questions look like they would be best decided by a public opinion poll. Beran merely asserts that ordinary persons understand these matters, that clear conventions make continued residence a way of consenting. Hume (and I) would claim that they do not. Certainly there are many countries where the average citizen is not much better educated to political matters than he was in Hume's day; the claim that the ignorance of such persons is "negligent" seems ridiculous. And whatever accomplishments modern educational systems can claim, I doubt that a universally increased insight into problems of moral obligation is among them. But in order to try to add argument to opinion, let me suggest some reasons why it would seem peculiar (or even unreasonable) for ordinary persons to hold the views ascribed to them by Beran. First, if the transition to political majority is commonly regarded as involving a choice of no small significance, it should be viewed as a moment for careful thought and planning. One might also expect the transition to be accompanied by significant changes in behavior patterns, as is often the case when one becomes a new member of some asso-

ciation. None of this is in evidence in most political communities. Why is not this very important event in our lives the subject of elaborate rituals or formal pledges, as when other associations are joined? The most plausible answer is Hume's: residents of most countries believe themselves born to citizenship. The transition to majority is no celebrated event for the simple reason that it is not regarded as a sharp break in one's political life. Rather it is regarded as a point at which certain important rights and duties are added to the list of those already possessed. Political minors are no strangers to the burdens of citizenship; they can have legal obligations, be tried and punished, be required to pay taxes on income. They are taught to think of themselves as citizens long before they cease to be minors. American children pledge their allegiance from their earliest school years and sit through units on "citizenship" regularly. At the "age of consent" they gain a legal freedom from the control of their parents, but this is by no means the time at which all their rights and duties begin. The rights to vote, to purchase alcoholic beverages, to hold political office, and to receive old-age benefits are among those that are not (or have not always been) received on reaching majority. Eligibility for military service may or may not begin at this time. The important point is that the course of one's political life does not appear as two distinct stages, with a moment of decision dividing them. Rather it appears as a smooth course involving the periodic gain or loss of rights and duties, and it would be extremely odd, given the state of political conventions, if ordinary persons regarded their political lives in any other way. It would be, then, more than surprising if they viewed continued residence at some point as a sign that one is accepting membership in the state, an agreement that would ground all future rights and duties. Beran's chief assumption, then, seems mistaken.

It follows from this, of course, that his second assumption is mistaken as well. For the points made above suggest that it would be equally surprising if persons regarded their "political associations" in the same light as the ordinary rule-governed associations with which they are familiar. Ordinary associations are joined in a way that political communities do not seem to be. Homes, families, and friends are established in the state long before the age of consent; only the rare person thinks that there is anything to join at majority. Given these facts, the widespread "ignorance" of the moral consequences of continued residence can hardly be regarded as negligent. Indeed, it cannot even be regarded as "ignorance," for if residence is not understood to be a sign of consent, it cannot be one. ▣

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Whole Number 1-100 October 1982-October 1999

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Books Received for Review

Randy Barnett, **THE STRUCTURE OF LIBERTY: Justice and the Rule of Law** (1998). Oxford University Press, 2001 Evans Road, Cary NC 27513; 800-451-7556.

Tom Bethell, **THE NOBLEST TRIUMPH: Property and Prosperity Through the Ages** (1998). St. Martin's Press, 175 Fifth Avenue, New York NY 10010; 212-982-3900.

James Bovard, **FREEDOM IN CHAINS: The Rise of the State and the Demise of the Citizen** (1999). St. Martin's Press, 175 Fifth Avenue, New York NY 10010; 212-982-3900.

Constance Braithwaite, **CONSCIENTIOUS OBJECTION TO VARIOUS COMPULSIONS UNDER BRITISH LAW** (1995). William Sessions Limited, Huntington Road, York, England YO31 9HS; +44(0)1904-659224.

David Gordon (ed.), **SECESSION, STATE & LIBERTY** (1998). Transaction Publishers, 35 Berrue Circle, Piscataway NJ 108854.

Kenneth Hamburger, **WHY AMERICA IS FREE: A History of the Founding of the American Republic 1750-1800** (1998). Mount Vernon Ladies' Association, Mount Vernon VA 22121; 703-780-2000.

Robert W. McGee (ed.), **THE ETHICS OF TAX EVASION** (1998). Dumont Institute c/o BookMasters, 1444 US Rte 42, Mansfield OH 44903; 800-247-6553.

James C. Scott, **SEEING LIKE A STATE: How Certain Schemes to Improve the Human Condition Have Failed** (1998). Yale University Press, Box 209040, New Haven CT 06529; 203-432-0960.

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