
The Voluntaryist

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

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An Open Letter to Kerry Morgan, Author of REAL CHOICE, REAL FREEDOM IN AMERICAN EDUCATION

December 10, 1999

Dear Kerry,

Earlier this year, after I had read your new book about school choice, I wrote you several letters and sent you copies of my newsletter THE VOLUNTARYIST. I just finished reading your book for the second time, and would like to briefly outline your argument for my readers, and then query you about their consistency. I agree with your main starting points: full respect for parental rights and intellectual freedom are the essentials to establishing a free market in education. However I do not understand why you stop short of applying the same logic to a free market in defense and protection services. If taxation and the use, or threat, of coercion for educational purposes violates the rights of parents and their intellectual freedom, why don't these same prohibited means (taxation and compulsion) violate individual rights when used by the government to provide other services?

The first part of your book is devoted to elaborating the "First Principles of Choice and Education." At the beginning of Part II, you summarize these "foundational principles." Your argument is premised on the fact (which is recognized by the American Declaration of Independence) "that all human beings are 'endowed by their creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness'." (12) In other words, God or nature "gives every human being certain absolute rights and civil government must respect and protect those particular rights absolutely." (14) Therefore, parents, as the natural progenitors of their children, are endowed "with the unalienable right to direct the education and upbringing of their children free from governmental interference, regulation, or control." (141) Furthermore, every person, whether or not a parent, has "the right to intellectual liberty," which you define as "freedom from governmental compulsion or coercion in things of the mind." (141) From the natural law principle of right to life, liberty, and property you conclude that

"Parents are not to be interfered with by the civil government in the exercise of their

unalienable right to direct the education of their children;

"The civil government may not forcibly expose a child to any state-approved curriculum or idea, or certify or license teachers or parents, or compel attendance; and

"The civil government is barred from levying a tax of any type on the people or their property, in order to fund any government established school or provide education-related grants to any government-established or private institution." (141)

Essentially, you argue that we should have a totally free market in education: a market without taxes, teacher licensing, or compulsory attendance laws. "The legal basis for a teacher's authority to educate is and must be derived immediately from the child's parent by free consent." (232) The teacher is an agent of the parent and "has no primary or original right to teach children who are not his or her own," and is bound to teach what the parents direct, not what they (the teachers) think best for the children. (242) Furthermore, as you point out, all parents, not just religious ones, have the right to direct the education of their children. The First Amendment claim - made by the Amish and other Christian homeschoolers - destroys the universality of parental rights by regarding these "rights as valid only when a parent can qualify [to teach their children] on religious grounds." (121) "Parents who do not believe in God enjoy parental authority in equal measure with those who worship God. Neither does parental authority, including the authority to educate their children, spring from parental knowledge, possession of an academic degree, or any other state educational qualification. ... The right of a parent to educate springs neither from their religious beliefs nor from their degree of learning, but rather from their natural status as a parent." (42)

Murray Rothbard, in his monograph - EDUCATION, FREE AND COMPULSORY - states that the key issue in education is "[S]hall the parent or the state be the overseer of the child? ... [U]nder whose guidance ... should the child be placed — his parents or the state?" (pp.9-10 of Rothbard) In fact, at one point in your text you come very close to describing the same issue. In discussing "What Is Intellectual Freedom?" in Chapter 7, you write that "the question of more immediate importance for this book and Chapter is not *what* mental seed should be sown, but *who* has the legal right, power, and authority to

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The Voluntaryist

Editor: Carl Watner

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An Open Letter to Kerry Morgan

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"decide? (90) It is clear from everything that you have written in REAL CHOICE REAL FREEDOM that your answer is: the parents.

You have outlined a powerful argument in defense of the free market, one that has been used by many thinkers in the past. In your book, you review Thomas Jefferson's arguments for establishing religious freedom and disestablishing the state of Virginia's control over the church. You quote him as declaring that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical," and "that even forcing him to support this or that teacher ... is depriving him of that comfortable liberty of giving his own contributions ..." to the teacher or pastor of his choice. (107) You then point out that "Jefferson didn't apply his own professed principles against coercive financing to education ..." and specifically identify these principles as the principles of intellectual freedom and freedom from coercive subsidy. Jefferson's failing was that while he applied these principles to the religious sphere by supporting disestablishment he simultaneously supported state taxation to support education.

I fear that you fail the same consistency test that you apply to Jefferson. You should take the principle of freedom from coercive subsidy one step further. Apply it to the institution of government. Why is coercive financing (taxation) of any state activity justified? Why is taxation for education to be prohibited, yet taxation for roads, courts, armies, and police to be permitted? For whatever reason, you recognize that compulsion in support of religion and education is morally wrong, but do not see that it is wrong to use compulsion to support other government activities.

The connection between intellectual freedom and freedom from coercive subsidy is the use of physical force (or its threat) to compel an action from a person who would not otherwise voluntarily act in the manner desired by the wielder of that force. This initiation of force violates your right to control your

property and yourself. Taxation is theft because the government is taking your property from you without your consent. Forced attendance at school is forcing you to send your children to school against your wishes. Compulsory certification of teachers keeps you from teaching if you wish to be a teacher. A compulsory curriculum forces you to teach things that you wouldn't choose to teach. The initiation of coercion is the constant element in these examples. I believe that a person should be totally free of coercive molestation from both individual criminals and from the government.

It is impossible in the nature of things for government to abandon its initiation of coercion. The two essential elements of government are that "it presumes to establish a compulsory monopoly of defense (police, court, law) services over some geographical area." Individual property owners who prefer not to subscribe to any defense agency are forced to allow the government to act on their behalf; individuals who wish to subscribe to another defense company within that area are not allowed to do so; nor are voluntary associations permitted to organize to offer such defense services to those who would buy from them. Secondly, government obtains its revenues "by the aggression - the robbery - of taxation, a compulsory levy on the inhabitants of the geographical area." In every area of its activity, government uses force to compel obedience or to prevent behavior that threatens its existence. The behavior of government and its agents is wrong because their action compels peaceful people to do things they ordinarily would not choose to do.

In the case of taxation, what the government spends the money on (religion, education, courts, army, police, welfare for the poor, etc.) is beside the point. The means are to be prohibited because they are coercive. You rightfully point out that, "Opposition to compulsion in religion is not opposition to religion. Opposition to compulsion [in] education is not opposition to education." (111) To which I would add: Opposition to coercively funded roads, armies, courts, and police is not opposition to voluntarily provided roads, armies, courts, and police. To reiterate: the opposition is to the coercive manner in which they are provided.

Very early in your book you identify a key idea that, "The American system of state and federal government was instituted and organized in order to secure God-given rights." (17) The Founding Fathers may have truly believed that they were organizing a government to secure individual rights. However, just because they sincerely believed it does not necessarily mean, that in the nature of things, governments can secure rights for us. I believe the Founders were mistaken. Believing or wishing for a thing does not make it so. Governments - because of their inherent reliance on coercion - cannot secure rights for all people by violating the rights of some of them who

remain peaceful, yet who refuse to pay taxes or prefer no defensive service or who prefer to use a competitive service or who prefer to organize their own defensive service. Refusal to pay taxes in response to a government demand, or refusal to send one's children to government school, is not, in my opinion, an act which "subverts the peace and order of the community." (124) It is the government's demand that I pay taxes or send my children to government school which destroys my equanimity and my right to a peaceful existence.

If you still believe that a person should pay his taxes and be disciplined or imprisoned by the government for his failure to do so, then I suggest you consider what you wrote on page 67 of your book. "The true sanction against parents who simply neglect their educational duty [to send their children to school] is for their neighbors to privately confront them and then openly criticize them. Moral persuasion and public shame, not civil punishment, is the correct sanction." The true sanction against people who free load or who refuse to pay what the government considers is their "fair share" is not to place them in jail, but rather "for their neighbors to privately confront them and then openly criticize them. Moral persuasion and public shame, not civil punishment, is the correct sanction."

In your discussion of "The Unalienable Right of Intellectual Freedom" beginning on page 232 you point out, "No human law should coerce parents to send their children to be exposed to government approved ideas and opinions." Whether these ideas are consistent with the beliefs of the parents or are contrary to the beliefs of the parents is beside the point. "But whether contrary or consistent, the coercive nature of the exposure breaches the liberty of the parents ... [S]tatutes that compel government funding, erection and/or maintenance of a school building or financial support of teachers by taxation, are contrary to an individual's right to support only those ideas which he or she believes. The issue is not that taxpayers may disbelieve the ideas they are taxed to support. The legal issue is that taxpayers are being compelled ... in the first instance." (233) Shouldn't this logic apply to the other services that government provides us, such as roads, the army, the police, the courts, etc.? If not, why not? Isn't the issue the same in each case? Whether or not an individual uses the roads with his car or walks, the issue is the same. The compulsion in providing the service is wrong.

I highly recommend your book to readers of my newsletter - otherwise I would not be writing you this letter and planning to publish it in THE VOLUNTARYIST. I hope that you might choose to respond to my concern that you have stopped short of applying the logic of disestablishment to the government itself. However, if the arguments you offer in defense of parental rights and intellectual freedom are valid in the case of religion and education, then surely they

are just as valid to the compulsions used by government to do all the things that it provides for us. If compulsion is wrong in religion and education, then surely it is wrong in government roads, government money, government courts, and in the very institution of government itself.

Sincerely,
Carl Watner

February 16, 2000

Dear Mr. Watner:

Thank you for the opportunity to respond to your thoughtful open letter of December 10th 1999. In considering the points you make and responding to them, I think it important to restate my argument in a nutshell first, and then address the points you make regarding them. If my response is too long, then edit as you will.

"Is it unrealistic to expect from people that they voluntarily contribute to worthwhile causes? We do it all the time when we give in church, or send a check to an organization we feel does a lot of good: so volunteering money is both realistic and normal all over the world. Often we get no benefit from it ourselves, other than feeling good for having done it. *Query: If government is a worthwhile cause, why does it have to force people to contribute?*"

— John A. van Huizum, Acton, CA.
in a letter to THE VOLUNTARYIST.

"The Laws of Nature and of Nature's God"

First and foremost, it is critical to understand my legal foundation. The legal foundation for parental rights and intellectual freedom is described in Chapter 1, entitled "The Laws of Nature and of Nature's God." In that chapter I answer the fundamental question: "What law governs America?" I reply that the law which governs America is that law identified in the Declaration of Independence. The Declaration is *the* legal document in American law. It acknowledges that the American people are *one* people and entitled by the *law of nature and of nature's God* to assume their rightful place as a nation among the nation of men. The Declaration then affirms several substantive dimensions of the law of nature such as legal equality before the law, unalienable rights of all persons, limited government by consent of the people, and the defensive right of lawful revolution after exhaustion of legal remedies. These dimensions touch upon both the subject of *rights* and of *power*.

It is only in first understanding the origin *and* substance of the law of nature and of nature's God, that I am able to then identify and articulate a legal basis for the unalienable right of parents to direct the education and upbringing of their own children free from all state interference, regulation, and con-

trol. Moreover, the substance of this law also establishes a legal basis for the unalienable right of intellectual freedom.

We may not adequately understand or accurately discuss the rights of parents or of intellectual freedom unless we first determine if these *rights* are part of the law of nature and of nature's God. So too, we may not adequately understand or accurately discuss, 1) the purpose of civil government, or 2) whether that purpose includes the power to tax, or 3) whether that purpose places any inherent legal limits on the exercise of the power to tax, unless we also determine if these *powers* are considered by the law of nature and of nature's God.

If we begin to discuss parental rights, intellectual freedom or the civil government's purpose or taxing power with any other foundation or no foundation at all, then we are not discussing the American system of rights and power which is explicitly grounded on the law of nature. We may discuss other systems grounded on other foundations, or whether the American system is the best system, but to the extent our discussion is about rights and power in the United States then we must have free recourse to the foundation of the law which governs the United States. That law is the law of God as expressed in nature and confirmed in revelation with respect to its universality.

In summary on this foundational point, I do not think we can talk about unalienable rights, that is to say, those rights which are fixed, uniform and universal, binding over the earth at all times and under all circumstances, unless we *first* observe the pre-existing fixed, uniform, and universal law laid down by the Creator in the law of nature. (Now the subject of God as the author of law would make for an interesting discussion, but not at this time. Suffice it to say that the substance of this law was articulated in the Declaration). So too, we cannot talk about the lawful purpose and scope of civil power including the tax power unless we also have recourse to the law of nature.

Applying the Law to Taxation for Government Roads, Courts, Armies, and Police

Now in examining your open letter I cannot say that your view of civil power and of taxation first looks to this law as its foundation. Rather than an explicit discussion of the law of nature as the foundation upon which I premised my argument for parental rights and intellectual freedom, I find that your open letter leaves this foundation unexplored. It appears that rather than first examining this foundation and making an argument to a specific application, you make arguments from application-to-application. In other words, you first consider the applications I make from the law of nature, *i.e.*, no taxation for education because it is contrary to parental rights and intellectual freedom, and then argue from

this application to another application, *i.e.*, no taxation for government roads, courts, armies, and police.

Permit me to suggest that a more suitable analysis would first look to the law of nature and then ask whether from this foundation we can reason to a specific application such as no taxation for government roads, courts, armies and police. Thus, my first question (for every good reply must pose questions as well as answers), do you think that the law of nature and of nature's God has any legal substance upon which the question with respect to the lawfulness of taxation for government roads, courts, armies and police can be answered? In searching your article for an answer, I find that you believe the framers were mistaken in believing that government can secure rights for all people because the security of such rights must be based on coercion. I sense that you may not also hold to other aspects of the law of nature, but who knows until you say? I certainly think there is a positive answer to my question and will flesh it out in a few minutes, but first let me give your particular points some additional attention.

"Going to school can help you be knowledgeable, but it cannot make you wise."

—John Taylor Gatto
(paraphased)

Look to the Law of Nature for the Existence, Nature and Scope of Civil Power

You generally express full agreement with my main points: respect for parental rights and intellectual freedom. You articulate several of my points in support of parental rights and intellectual freedom and then examine my treatment of Thomas Jefferson. I chide Mr. Jefferson for failing to apply his espoused principles against intellectual coercion to *education*. You pick up on this criticism and suggest I too may have failed to apply those principles to *government* itself. You offer that I:

should take the principle of freedom from coercive subsidy one step further. Apply it to the institution of government. Why is coercive financing (taxation) of any state activity justified? Why is taxation for education to be prohibited, yet taxation for roads, courts, armies, and police to be permitted? For whatever reason, you recognize that compulsion in support of religion and education is morally wrong, but do not see that it is wrong to use compulsion to support other government activities.

Your question and comment above accurately articulates the critical issue which I must address. But permit me to phrase it as I see it- from the vantage point of the law of nature. Recall that my book first looked at the substance of the law of nature and of nature's God and then second, determined if that law

granted the civil government any power over the realm of ideas. Following that same blueprint here, I submit that the critical question is whether or not the substance of the law of nature and of nature's God empowers any civil government to tax? This is to say, does the lawful exercise of civil power include the power to compel anything, and more specifically, does it include the power to compel the people to support civil government by a system of extracting money under threat of real punishment?

In answering this question I could turn to the Constitution and note those particular provisions which authorize civil government to lay taxes upon the people. See Article 1, sections 7, 8 and 9. But to do so would not establish whether or not the law of nature provided for taxation. These provisions may be helpful to understand the federal taxing power, but to use them as a basis to justify the *lawful existence* of a civil taxing power, would be to argue from the application back to the foundation. What we need to do is to first examine the law of nature itself in attempting to determine whether or not its substance empowers any civil government to tax.

This examination ought to be of critical interest to libertarian readers since their exposure to the law of nature and of nature's God is probably only slightly different than the exposure of Democrats or Republicans. I do not intend to slight anyone in particular, but most libertarian publications which I have read, only make occasional reference to the Declaration of Independence and almost never articulate the substance of its legal foundation. Of course, neither Democrats nor Republicans ever get even that far.

Civil Government-a Tolerated Evil or Legitimate Authority?

In answering the question, I believe that the law of nature authorizes civil government to levy taxes and to take property for public use with compensation. The first constitutes a lawful form of taxation which is assessed on the people as a whole, the second is a lawful form of taxation which, because it

falls on one person whose property is being taken for public use, is compensated by the government itself as to its value so as not to cause the tax to disproportionately fall on one person alone.

Now I say I believe this, but on what basis do I believe? In support of my belief that the law of nature authorizes civil governments to levy taxes (and leaving the question of compensated takings for public use to another day) I follow the evidentiary path I laid out in my book with respect to supporting my belief that the law of nature both 1) empowers parents to direct the education of their children free from state coercive subsidies, and 2) empowers persons to enjoy intellectual liberty free from coercive subsidies to support the propagation of ideas. To support those propositions, I looked at the way human beings are created according to nature. I also looked at the Bible to determine if any evidence in support thereof could be found. For the time being I will not address the Biblical proofs as I sense your readers might not regard that document as evidence.

But turning to the nature of human beings and how they are made and act, I see in this nature of things, that as James Madison has observed: Men are not Angels. By nature, human beings do what they ought to do, and do what they ought not do. But irrespective of this infirmity, they are obliged by the law of nature to do what is right. So too, civil governments are composed of these men and women and likewise obligated to do what is right. It is right that a man should govern himself and it is his right to be free from the interference of his neighbor in so doing. It is also right that civil officials secure to each man the liberty of such self-government. This liberty is not secured by usurpation or regulation, but by the prosecution and punishment of those persons who interfere with that liberty.

In the proper discharge of this power, the official is to be compensated. For this reason we pay taxes. By assenting to a form of government which authorized civil officials to exercise the power to secure our unalienable rights, we also assent to pay him for his work. We are paid for our work and when not paid we have recourse to the courts who will levy and attach our employer's assets if he declines to pay us.

Because civil officials are also human beings and share in that same compulsion to do wrong as those from whom they are elected, so too their conduct should be subject to the same laws as all others, and their power should be limited by the common consent of the people as a people (and not as individuals) as embodied in their legal documents which define the limits of civil power. If the people choose to not pay taxes by embodying same in their legal charters, then civil government has no right to say otherwise, but for all practical purposes there will either be no civil government or only a very wicked one.

Thus, I would submit to you as a matter of the law of nature, that civil government is not an inher-

If government is supposed to provide everyone with an education, why isn't it also supposed to provide everyone with a new car, a home, food to eat, clothes to wear, and a baby sitter? And if government is not supposed to furnish these things, why is it supposed to furnish education? No one can successfully answer that riddle. One must either favor **COMPLETE GOVERNMENT DOMINATION AND CONTROL OF OUR LIVES AT EVERY POINT** ... or one must favor the removal of government domination and control of our lives at every point.

—Robert LeFevre editorial in
THE GAZETTE-TELEGRAPH,
February 28, 1956.

ently evil institution or a tolerated evil. Rather, civil government is a lawful institution which has a limited, but significant purpose of restraining and punishing evil *actions*. Its purpose is limited to the restraint and punishment of acts, not ideas. So too, it is entitled to collect revenue for the purpose of paying those to execute those limited functions. ...

Summary

In summary, there is a lawful purpose for civil government under the law of nature. I do not think we both share that premise. There is also authority to tax commercial transactions under the law of nature in order to fulfill that limited purpose. But nothing which is to be found among the purpose of civil government includes the purpose of taxing the people on their liberty of existence, or the possession of their property either real or personal, through a system of taxation. Nor ought taxes lawfully collected be spent on purposes beyond the scope of civil authority under the law of nature.

Sincerely yours,
Kerry L. Morgan

March 9, 2000

Dear Kerry,

Thank you for answering my "Open Letter."

Let me summarize your response:

1. The Declaration of Independence is the fundamental law of the United States. It affirms the law of nature, which holds to (among other things): a) equality before the law; b) unalienable rights of all persons; c) limited government by the consent of the people.

2. The law of nature must be examined in order to determine whether or not it empowers any civil government to tax. This is the critical question.

3. Look at the way human beings are created according to nature. Men are not angels. They sometimes invade the rights of others. It is right that government officials punish those persons who interfere with the liberty of others.

4. Government officials must be compensated. "For this reason we pay our taxes." If we assent to government protection, we assent to paying those who work for the government.

5. Civil government is entitled to collect revenue for the purpose of executing its legitimate functions. Therefore, the law of nature authorizes civil government to levy taxes.

A most succinct discussion of these points is to be found in the Appendix, titled "Taxation," in Lysander Spooner's book, *AN ESSAY ON THE TRIAL BY JURY*, which was originally published in 1852. Spooner states that "It was a principle of the Common Law, as it is of the law of nature, and of common sense, that no man can be taxed without his personal consent." He writes:

All legitimate government is a mutual insurance company, voluntarily agreed upon

by the parties to it, for the protection of their rights against wrong-doers. In its voluntary character it is precisely similar to an association for mutual protection against fire or shipwreck. Before a man will join an association for these latter purposes, and pay the premium for being insured, he will, if he be a man of sense, look at the articles of association; see what the company promises to do; what it is likely to do; and what are the rates of insurance. If he be satisfied on all these points, he will become a member, pay his premium for a year, and then hold the company to its contract. If the conduct of the company prove unsatisfactory, he will let his policy expire at the end of the year for which he has paid; will decline to pay any further premiums, and either seek insurance elsewhere, or take his own risk without any insurance. And as men act in the insurance of their ships and dwellings, they would act in the insurance of their properties, liberties and lives, in the political association, or government.

"The engineer breaks a large problem into many small problems, each of which he can solve. The bureaucrat takes many small problems and rolls them together to form a large problem that no one can solve."

— Marc Stiegler, *DAVID'S SLING*
(1988), p. 329.

The political insurance company, or government, have no more right, in nature or reason, to assume a man's consent to be protected by them, and to be taxed for that protection, when he has given no actual consent, than a fire or marine insurance company have to assume a man's consent to be protected by them, and to pay the premium when his actual consent has never been given. To take a man's property without his consent is robbery; and to assume his consent, where no actual consent is given, makes the taking none the less robbery. If it did, the highwayman has the same right to assume a man's consent to part with his purse, that any man or any other body of men, can have. And his assumption would afford as much moral justification for his robbery as does a like assumption, on the part of the government, for taking a man's property without his consent. The government's pretence of protecting him, as an equivalent for the taxation, affords no justification. It is for himself to decide whether he desires such protection as the government offers him. If he do not desire it, or do not bargain for it, the government has no more right than any other insurance company to

impose it upon him, or make him pay for it.
[p. 223]

It seems to me that Spooner's reasoning rests on the fundamentals of the law of nature. Government by consent must mean consent of the individual; otherwise - as has happened here in America - a majority of the individuals participating in the government may band together and deprive the individual of his property. And the fact that they have to use coercion and threats to obtain that property proves that the individual does not consent to their levies.

"Liberty means responsibility. That is why most men dread it."
—George Bernard Shaw

I agree that men are not angels. Protection of their rights is a service that they must pay for if they choose to employ others to protect them. But there is nothing in the law of nature that says men must be compelled to use only one agency (the government) for that service; or that the government is empowered to use force to collect for its services when a person has not consented to the use of its services. In fact, it seems to me that the only way to keep government honest is to have competitors. And since men are not angels, how do we keep the non-angelic from taking over the reins of government and using it to their advantage to plunder the rest of us?

In my letter, I wrote that "Taxation is theft because the government is taking your property from you without your consent." If you believe that government must rest on consent, then how can you claim that the law of nature empowers government to use coercion to collect taxes? Who would consent to a government that was empowered to use coercion (against themselves) as a general method of collecting its revenues? To take an example from early American history: the farmers engaged in the Whiskey Rebellion certainly didn't consent to the federal revenue laws they were protesting. To be consistent, it seems to me that you should argue that the only time the government might be entitled to use coercion to collect its taxes is when a person contracted with it for its services, actually used its services, and then refused to pay. What evidence did the federal government have that these farmers ever consented or contracted for its protection services?

"When a thousand people say a foolish thing, it is still a foolish thing."

There is no perfect utopia. I am sure that problems will arise even in a competitive system based upon personal consent. However, I do believe that a system predicated upon personal consent and contract will have fewer problems, will work more practically and morally, than a system which embraces a coercive monopoly and physical force as its base.

In closing, I ask: What productive, reasonable, and responsible person would consent to such a government as we have now? And if they would not, why would they have consented to the government created by the American founders in 1789? The Constitution either empowered such a government as we have today; or else it failed to prevent the emergence of such a government as we have today. In either case, it must be condemned for relying on coercion to maintain itself.

In closing, let me again thank you for writing such a thought-provoking book and taking the time to read and think about the questions I have raised.

Sincerely,
Carl Watner

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School and State

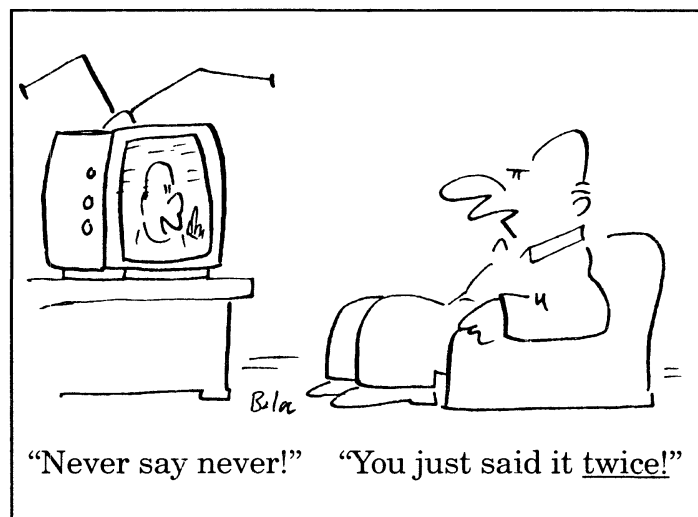
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[market] labor, private ownership, and individual choice. Individual sovereignty on the one hand, ... communism on the other. ...

[Thus] since the principle upon which our common school system is founded is identical with that of absolute and thorough communism, no one can occupy a definite and consistent position upon the School Question without choosing between individualism and communism, freedom and force. ... Has not Mr. Babcock been defending the public school system? and is not that system supported by taxation? and does not, therefore, a defense of the one include a defense of the other? ...

If, however, ... it be true that society is impossible without the forced surrender of individual rights, then isolation is the brave man's choice. Said a celebrated Bishop of the English Church, in discussing prohibition, or compulsory temperance, "If I must choose between England free and England sober, give me England free." So we say in discussing public schools, or compulsory education: if we must choose between America free and America educated [by the State], give us America free.

☐



School and State

By Benjamin R. Tucker

[Editor's Note: Benjamin Tucker was a well-known 19th Century libertarian whose comments on public schools and taxation are still of interest today. The following excerpts are taken from his articles which appeared in the April, May, June, and July 1876 issues of THE WORD, which was published by Ezra Heywood.]

Bishop McQuaid [an outspoken critic of tax-supported public schooling] asked for "free trade in education" and the abolition of public schools; in other words, freedom for each class of persons in the community to establish and conduct its own schools as it pleases, at its own cost, without being compelled at the same time to support through taxation, schools to which it is opposed. Viewing the question from a Catholic stand-point, and basing his argument upon freedom of conscience, the Bishop clearly expose[d] the impudence of the State in assuming to compel, or in any manner interfere with, the education of children; a matter which ought, in justice, to be left to the control of parents.

The objection, expressed by some, that he does not sufficiently consider the rights of the children, is of no force in this connection, for, since those who advance it do not claim the children are competent, before a certain age, to consider their rights for themselves, the question to whom should the authority to

act in their stead be vested still remains open; and as authority obviously belongs to the author, and as parents are the authors of their children, Bishop McQuaid's position is impregnable.

J. M. K. Babcock, editor of THE NEW AGE, objects to our view on the school question ... and favors State instruction. ... But does Mr. Babcock realize wither his doctrine will lead him, provided he faithfully follows it? Not to dwell on the fact that, if the State should teach anything, it should expound on the supremely important matters of religion and the rights of conscience, thereby becoming a theocracy, we ask Mr. Babcock's especial attention to the no less alarming consequence that, if the State is better fitted than the parent to guard, provide for, and develop the young *mind*, it is surely by a parity of reasoning, better fitted to perform the same functions with respect to the youthful body; in other words, if children are to be educated by the State, they must be supported by the State. Apply to all our institutions the principle upon which our present school system rests, and the United States would gradually transform itself into a mammoth [communist] community ... All our liberties would be destroyed, ... Common schools, common property, and common family are three different (but in the long run) interdependent manifestations of the one despotic principle which has so long governed the world; *free* [market] schools, on the contrary, inevitably lead to free

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