
The Voluntaryist

Whole Number 131

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

4th Quarter 2006

The "Criminal" Metaphor in the Libertarian Tradition

By Carl Watner

[Editor's Note: This article first appeared in THE JOURNAL OF LIBERTARIAN STUDIES, Vol. 5 (Summer 1981), pp. 313-325. Footnotes have been deleted from the version printed here.]

During the last 350 years of constitutional and political struggle in England and the United States, perhaps the most libertarian image to be invoked by political theorists has been the comparison of existing, so-called "legitimate" governments to "organized gangs of banditti, pirates, highwaymen, and robbers." Such metaphors have been a constantly recurring theme because the central thrust of libertarian thinking is to oppose any and all forms of invasion against property rights of individuals, in their own persons and in the material objects they have voluntarily acquired. The Levellers and other opponents of King Charles I and Oliver Cromwell were among the first to challenge the legitimacy of governments as being tyrannical and unjust. The rebels in the American colonies based their revolt against the English Crown on similar grounds of natural law, as outlined in the Declaration of Independence. Early antislavery radicals in both countries extended their libertarian arguments against slavery and challenged any government that sanctioned a violation of man's natural rights. Propelled by the logic of the natural law tradition and the events of the American Civil War, Lysander Spooner relied heavily on the "criminal" metaphor to buttress his arguments for individualist anarchism.

The doctrine of natural liberty is ultimately grounded on two premises which are necessary to the understanding of why governments are "criminal." By the self-ownership axiom, every individual has an absolute right to his or her own mind and body and the labor thereof; i.e., each person has the right to control that mind and body free of coercive interference. By the homesteading axiom, the first user, the first person who transforms and uses previously unclaimed and unused resources, becomes their absolute owner. Since people must live in a particular place and their labor must be applied to the material objects around them, they rightfully become the owners of hitherto unclaimed and untransformed natural resources. As defined by libertarianism, freedom is a condition in which a person's ownership

rights of his own body and of his legitimately (according to libertarian principles) acquired material property are neither invaded nor aggressed against. Crime, in the same context, is an act of aggression against these property rights, either in an individual's own person or in his materially owned objects.

Most people would probably support the libertarian rejection of crime in their personal dealings. They would reject the use of violence, such as murder, theft, kidnapping and extortion. The uniqueness of libertarianism consists in the manner in which this principle of non-aggression is developed. To the libertarian, it matters neither who commits a crime, nor how many are involved in sanctioning its commission. As one early libertarian said:

Whatever constitutes despotism or cruelty will be continually the same. Considerations of rank and power can never alter the genuine character of human action; if the scymeter is stained with innocent blood, it matters nothing whether the fatal blow was struck by a monarch or a robber. Oppression and crime are the same in every corner of the globe; the experience of mankind with respect to their characteristics will be constant and uniform; upon those subjects, therefore, the sentence of human understanding will be ever steady and correspondent.

In other words, for the libertarian, "Crime is crime, aggression against rights is aggression, no matter how many citizens agree to the oppression. Even if 90 percent of the people decided to murder or enslave the other 10 percent, this would *still* be murder and slavery." Libertarians unanimously endorse respect for individual rights and they conclude that the only possible crime among men is the violation of individual rights. The important consideration for libertarians is that individuals are always responsible for a violation of rights. Groups never act; it is always and necessarily individual members of the group who commit crimes in the name of the larger organization. "Men never lose their individuality. Though in authority, they are still men and act as men... . The acts of a government are acts of individuals - of individual men, whose accountability is in no respect changed by their official character."

The natural law tradition affirms the libertarian attitude towards crime and aggression. The philosophy of natural law defends the rational dignity of the human individual. It provides the only basis on

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Subscription Information

Published quarterly by The Voluntaryists, P.O. Box 275, Gramling, SC 29348. A six-issue subscription is \$20 or .07 ounce of fine gold. For overseas postage, please add \$5 or 1/3 of the regular subscription price. Single back issues are \$4 each or 1/5 of the regular subscription price. Please check the number on your mailing label to see when you should renew. THE VOLUNTARYIST is online at www.voluntaryist.com.

Potpourri from the Editor's Desk

No. 1 "The War on Terror Is the War on Freedom"

But it's worse than that. Governments are not only incapable of protecting us from terrorists, they are the very CAUSE of terrorism in the first place.

Just think of all the historical examples of terrorism. In every case it was some group, fighting some government. Sure, they target civilians, but their real enemy is some government. And why is this? Because they claim to have been wronged by some some government. They have a grievance against some government. They want to secede from some government.

Terrorists do not have a grievance against Microsoft, General Motors or KFC. They do not have a grievance against your local supermarket. They do not have a grievance against YOU or your family. They have a grievance against your government.

The IRA had a grievance against the British government. They wanted the British out of Ireland. So they waged a terror "war" for ages until it became apparent they could not win by military means - so the two parties sat down to talk.

People in the Middle East have a grievance against some governments in the West, not because they "hate our freedoms," but because they hate our governments interfering in their affairs.

If they are in our back yard threatening us, it's precisely because our governments have been in their back yard for ages.

Of course, not ALL the West is a target for terrorists, only those countries that have been actively intruding on the Middle East. That's why countries like Norway or Switzerland are not reporting any terrorist attacks. The reason is simple. The terrorists do not have a grievance against those governments.

Political leaders like Bush, Blair and Howard have one thing in common. They are all convinced that we can win a war against terrorism - by military means. Well, it isn't going to happen. They are not even winning in Iraq, a third rate theatre of war if there ever was one. So what chance do they have against a glo-

bal terrorist network?

Just think about it, these mighty governments and their military forces are bogged down in Iraq by a virtual handful of terrorists - or insurgents, as they see themselves. If we cannot protect Iraqis from such violence, why on earth should we believe their ravings when they say they can protect us?

They can't. End of story. Which means that all the draconian anti-terror legislation can only have one actual result - the destruction of the very freedoms we say we believe in and are "defending."

I don't know about you, but I think it hugely ironic that our "fight" against the forces that "hate us because of our freedoms" means we must lose those very freedoms in the process of defending them.

Who will have won this war, then?

No, the "war on terror" is a scam. It's a sham. It's a hoax. It's a clever ruse to use fear of the unknown to drive a totalitarian agenda through the legislative chambers of so-called democracies in the so-called free world. It's a pact with the devil.

Freedom cannot be compromised. There is no "new reality" that has to be accounted for with "new" laws. There is no new situation which warrants the destruction of freedom. There is no justification for even the removal of ONE basic freedom in the quest for "security." Don't be fooled. Stand up for your rights. Oppose the war on freedom.

—David MacGregor, "The War on Terror Scam," from www.sovereignlife.com/essays/07-11-05.html.

No. 2 "My Vows"

1) I vow to respect, honor, and expand my conscious awareness of how precious life is to all creatures, and I will not knowingly bring pain, injury, or death to any of these, if it is within my power to refrain. However, I will protect the sanctity of the lives of others and my own as the nature of aggression dictates.

2) I vow that I will honor all human interrelationships as voluntary and will use no coercive behavior or action to the contrary. I know that the end is always reflected by the means, and I do not want my victories to be more disgraceful than my defeats.

3) I vow to consciously shun or eschew all organizations, clubs, political parties, and governments who are blind to the nature of cause and effect or the principle of how the means determine the ends.

4) I vow to live quietly, simply, and honestly, respecting the earth that shares its bounty with us all.

5) I vow to resist tyranny using nonviolent strategies and by the withdrawal of my cooperation.

6) I vow neither to be enslaved by anyone's demands on my life nor to be robbed by their tears. My life is mine, and only I can choose how I want to live.

7) I vow not to pursue vain desires. I will use the razor of reason to cut away all things not in harmony with my major purpose in life.

—Peter Ragnar (November 2005) ☐

The “Criminal” Metaphor in the Libertarian Tradition

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which the individual may rightfully criticize, in word and deed, every institution and social structure which is incompatible with the universally held moral principles of natural law. In his discourse on “The People’s Ancient and Just Liberties,” William Penn outlined the contents of the natural law, which he considered fundamental and immutable:

By [these] we understand such laws as enjoin men to be just, honest, virtuous, to do no wrong, to kill, rob, deceive, prejudice none; but to do as one would be done unto; to cherish good and to terrify wicked men; in short, Universal Reason, which are not subject to any revolution, because no emergency, time or occasion, can ever justify a suspension of their execution, much less their utter abrogation.

Under this interpretation, no man-made law which conflicts with the natural law of honest dealing and non-aggression is considered binding. An unjust law binds no one, according to the libertarian, since a law higher than that of government holds the individual responsible for his actions. One of the Leveler leaders in the struggle against Charles I thought that:

the Law taken from its original reason and end is made a shell without a kernel, a shadow without a substance, a carcass without life; for the equity and reason thereof is that which gives it a *legal being and life*, and makes it authoritative and binding. If this be not granted, injustice may be a Law, tyranny may be a Law, lust, will, pride, covetousness and what not? may be Laws.

In his opinion:

Had there been the letter of the Law directly against me, yea if it were contradicted by the equity of the Law, I had not been at all bound thereto, except to oppose it: for the Letter if it control and overthrow the Equity, it is to be so controlled and overthrown itself, upon peril of treason to the Equity, and the Equity to be preserved is the only thing legally obligatory and binding.

An eighteenth-century libertarian summed up this point of view when he declared that “the Powers that be’ cannot bind the conscience when they exceed *just limits*, any more than the threats of *lawless Banditti*” can succeed in demanding obedience.

One of the basic corollaries of libertarian thinking is that it is wrong to engage in aggression against non-aggressors. According to libertarian doctrine, an aggressor, to the extent he invades another’s person or property, loses his own individual rights. The person so invaded may resort to violence in self-defense.

In nearly all times and places, this defensive principle has been recognized as the right of the individual against the criminal. It has also been used as the only true basis for revolution against unjust and tyrannical governments. Richard Overton, who was arbitrarily arrested and imprisoned by the House of Lords in 1647, argued that:

in pursuance of the just and necessary *defensive opposition* we may lawfully, and are in Conscience bound to destroy, kill and slay the otherwise irresistible enemy for our own preservation and safety, whether they attack us in our lives, our Laws, or our liberties: And against the justice of this *defensive principle*, no degrees, Orders, or titles among men can or may prevail.

In his struggle with the government, Overton claimed that government laws which were consistent with natural law could be turned against the government itself. Having been arrested without a valid, legal warrant, he argued:

For if assaulting men’s persons, invading and entering their houses, and taking what of their goods such men please [as had happened in his own case] and that all by a force of Arms, be simply a Magisterial Act, then all thieves and murderers are justified thereby; for their violence is without any Magisterial Authority appearing; but by the Law it is therefore adjudged theft and murder, etc.

Under such circumstances, “the persons invaded and assaulted by such open force of Arms may lawfully arm themselves, fortify their houses (which are their Castles in the judgment of the Law) against them, yea, disarm, beat, wound, repress, and kill them in their just necessary defense of their own persons, houses, goods, wives and families, and not be guilty of the least offense.”

Don’t listen to what they say. Go see.
—Chinese proverb

One hundred years later, Granville Sharp used similar reasoning to denounce the unlawfulness of the press gang. Those who resisted the impressment officers, Sharp maintained, were acting legally in defense of their own rightful freedom and against unjust violence. Such resisters were

not deemed guilty of murder, even if they kill the assailants, provided the killing be inevitable in their defense; and that they cannot otherwise maintain their rights. Nay men are not only justified in defending themselves with force of arms, but may also legally defend and rescue any other persons whatever that are attacked or oppressed by unlawful violence.

William Allen, a critic of Cromwell, in his written attack on the Protectorate, beautifully summed up

the complementarity of the libertarian principles of self-defense and non-aggression. He pointed out that the "law of Nature gives every man to oppose Force with Force, and to make Justice where he finds none." In this pamphlet, *Killing No Murder*, the author advocated the assassination of the tyrant Cromwell and made these highly libertarian pronouncements:

For what can be more absurd in Nature and contrary to all common sense, than to call him Thief and kill him that comes alone or with a few to rob me; and to call him Lord Protector and obey him that robs me with regiments and troops? As if to rove with 2 or 3 ships were to be a Pirate, but with 50 an Admiral? But if it be the number of Adherents only, not the cause, that makes the difference between a Robber and a Protector: I will that number were defined, that we might know where the Thief ends and the Prince begins. And be able to distinguish between a Robbery and a Tax. But sure no Englishman can be ignorant that it is his Birthright to be Master of his own estate; and that none can command any part of it but by his own grant and consent, either made expressly by himself, or Virtually by a Parliament. All other names are mere Robberies in other names... To rob, to extort, to murder Tyrants falsely called to govern, and to make a desolation, they call to settle peace: in every assessment we are robbed, the excise is robbery, the customs is robbery, and without doubt, whenever tis prudent, tis always lawful to kill the Thieves whom we can bring to no other justice. And not only lawful, and to do ourselves right, but Glorious and to deliver mankind, to free the world of that common Robber, that universal Pirate under whom and for whom these lesser beasts prey.

Two hundred years later these same sentiments were expressed by a radical abolitionist in a slightly different context. Henry Clarke Wright, an associate of Garrison in the abolition struggle, had exactly the same attitude towards government:

States and Nations are to be regarded as we regard combinations of men to pick pockets, to steal sheep, to rob on the road, to steal men, to range over the sea as pirates - only on a larger and more imposing scale. When men steal, rob and murder as states and nations, it gives respectability to crime - the enormity of their crimes is lost sight of, amid the imposing number that commit them, and amid the glitter and pomp of equipage. The little band of thieves is scorned and hunted down as a felon; the great, or governmental band of thieves, is made respectable by numbers, and their crimes cease to be criminal and hateful in proportion to the number combined to do them. If a community of ten commit piracy,

they are all hung, and a man is made infamous if he joins this *little* band of pirates; but if a community of 25,000,000, called Great Britain or Austria, do the same deed, it is all right, and Christian, and heaven-ordained, and a man is made infamous if he refuses to join this *great* band of pirates. Such reasoning is most false. I cast it from me. I can no more join a community of 25,000,000, that exists by plunder and murder, than I can join one composed of ten.

Almost all of the antislavery radicals of the late-eighteenth and nineteenth centuries were repelled by the idea that the local law of slave communities could establish a condition which infringed upon basic human rights. If there were no eternal laws which applied equally to all men, then any kind of banditry might be cloaked in legal forms. If governments were allowed to justify slavery and the slave trade, then they could justify any form of crime. In order to reject government sanction of slavery, these radical libertarians had to establish a theory of proprietary justice independent of government law and not subject to re-definition by government. They did this by referring back to the natural law tradition and by accepting the self-ownership axiom.

Thomas Paine, an early supporter of the American Revolution, was a critic of slavery and the slave trade. Paine equated slavery with man-stealing and kidnapping. For him, the buying and selling of slaves was not an ordinary commercial transaction. The equation of slaves with stolen property had radical implications for Paine:

Such men [the purchasers of slaves] may as well join with a known band of robbers, buy their ill-gotten goods, and help on the trade; ignorance is no more pleadable in one case than in the other; the sellers plainly own how they obtain them [the slaves]. But none can lawfully buy without evidence that they are not concurring with men-stealers; and as the true owner has a right to reclaim his goods that were stolen, and sold; so the slave, who is the proper owner of his freedom, has a right to reclaim it, however often sold.

Since slaves were "stolen" men, it was a simple step to equate slave traders with pirates and robbers. Paine enunciated a dual libertarian argument. Each slave, being a person, was entitled to self-ownership rights. Moreover, since every owner could rightfully recover stolen property that belonged to him, regardless of how many times over it had been sold, a slave could legitimately reclaim his freedom at any time. A thief could never divest the rightful owner of property of his title, even if an innocent purchaser bought the stolen property in good faith.

"Martial law: the complete negation of all law."

In this fashion, the early radicals made a telling case for justice in property titles.

Also, as Paine pointed out, when “innocent” purchasers were “buying” men, it was impossible that they claim ignorance as an excuse. That the claim of a slave to his freedom was necessarily stronger than the claim of an owner whose chattels were stolen was pointed out by Samuel Hopkins in 1776:

If your neighbor buys a horse ... of any thief who stole it from you, while he had no thought it was stolen, would you not think you had a right to demand your horse of your neighbor, and pronounce him very unjust if he should refuse to deliver him to you... ? And have not your [African] servants as great a right to themselves, to their liberty, as you have to your stolen horse? They have been stolen and sold, and when you bought them, in your own wrong, you had much more reason to think they were stolen than he who bought your horse.

Hopkins also compared slave traders to pirates, much to their discomfort:

It is granted by all, that common pirates may be punished by the laws of any state, when apprehended, wherever or in whatever part of the world their crimes were committed... . The slave trader who buys and sells his fellow men, by which traffic he is the death of many, and of reducing others to the most miserable bondage during life, is as really an enemy to mankind as the pirate, and violates common law, which is, or ought to be, the law of all nations, and is guilty of crimes of greater magnitude, exercises more inhumanity and cruelty, sheds more blood and plunders more, and commits greater outrages against his fellow men than most of those who are called pirates. In short, if any men deserve the name of pirates, these [slave traders] ought to be considered in the first and highest class of them.

Perhaps the most vigorous of the antislavery radicals was Henry Clarke Wright. He was one of the few who extended his argument for abolition of slavery to include abolition of the state that sanctioned slavery. Wright saw that if he were successful in using natural law to nullify state-sanctioned slavery, then he could, on similar grounds, attack other forms of state tyranny, such as conscription and taxation. No government that upheld such injustices could be legitimate in his eyes. In his most radical pamphlet, *No Rights, No Duties*, he consistently used the “criminal” metaphor to make his points against governments and slavery. “The thesis he presented was simple. Slaves have no obligation at all to their masters, who good or bad, deserve no more respect or consideration than a gang of pirates or kidnappers. Freedom must be won by the slaves themselves in alliance with their sympathizers among white free-

men - by all and every means that the latter would feel justified in using against ‘burglars, incendiaries, and highway robbers’, who might threaten them.” Wright argued that:

The individual pirate, as a pirate, has no rights. No laws nor constitutions of human device can create for and secure to him any rights; and if they attempt to do so, it is the duty of all to ignore such rights, and trample such enactments beneath their feet. This is true of all who hold and use human beings as chattels.

A corporate body of pirates, though called a State or nation, can have no rights. It is an organized, systematized banditti, and any individual or State is authorized to destroy it. So, a corporate body of slave-holders, though called Virginia, Maryland, Kentucky, or Missouri, is a self-incorporated body of marauders, and as such, any man, or set of men is authorized to destroy it.

All efforts to compromise with slavery and those who embody it, for any cause, is to compound with rape, robbery, and piracy: is to complot with “the sum of all villainy.”... It is the sacred duty of the people and States of the North to side with the slaves. As in a conflict between a band of highway robbers or pirates, and those whom they would plunder and murder, it is their duty to side with the wronged and the outraged.

Wright claimed that the basis of every governmental organization in America was the right of every person to defend his life, liberty, and property. This was the essence of the American Revolution and was embodied in the Declaration of Independence. The supporters of the Constitution were inconsistent if they refused to allow slaves to exercise this right of self - defense. “If all highway robbers, midnight assassins, or pirates, or all organized bands of such marauders and desperadoes, have forfeited all rights, and if any man or set of men has a right to exterminate them, then ... slaveholders and slaveholding States [have] forfeited all their rights, and the people and States of the North have a right to exterminate them on their own territory, or wherever they may exist.” The motto that Wright chose for his title, *No Rights, No Duties*, meant that “no slaveholder, as such, has any rights, and that no man owes him any duties, except to compel him to cease to steal and enslave men, and to let the oppressed go free.”

“You can build a throne with bayonets, but you can’t sit on it for long.”

—attributed to Boris Yeltsin

All of Wright’s reasoning was in accord with natural law thinking about the subject. A hundred years earlier, another natural law lawyer, Thomas Rutherford, had written in his *Institutes of Natural*

Law that:

A band of robbers or a company of pirates may be in fact united to one another by compact; and may have stipulated with one another in this compact to be directed by the common understanding and to act by the common force for their general benefit. But they are still by the law of nature only a number of unconnected individuals; and consequently in the view of the law of nations, they are not considered as one collective body or public person. For the compact, by which they united themselves, is void: because the matter of it is unlawful. The individuals, that form themselves into a civil society, are bound by their social compact to pursue and maintain a common benefit: but this common benefit is such an one, as is intended to be consistent with the obligations which they are naturally under to the rest of mankind. Whereas the common benefit, which a band of robbers or a company of pirates propose to themselves, consists in doing harm to the rest of mankind.

Although some natural law thinkers have placed credence in a so-called social contract theory, others have delved behind the origins of government. The very fact that all governments are coercive is *prima facie* evidence that they originated in and perpetuate themselves by violence. Thomas Paine pointed out that

it is more than probable, could we take off the dark covering of antiquity and trace them [kings and their government] to their first rise, we should find the first of them nothing better than the principal ruffian of some restless gang, whose savage manners or preeminence in subtlety obtained him the title of chief among plunderers; and who by increasing in power, and extending his depredations, overawed the quiet and defenceless, to purchase their safety by frequent contributions.

“He who chooses the lesser of two evils, quickly forgets that he chose evil.”

—attributed to Hannah Arendt

Lysander Spooner, another great nineteenth-century radical who was probably the only constitutional lawyer to evolve into an individualist anarchist, confirmed Paine’s suspicions about the origins of government. In his pamphlet, *Natural Law or the Science of Justice*, which was subtitled, “A Treatise on Natural Law, Natural Justice, Natural Rights, Natural Liberty, and Natural Society; Showing That All Legislation Whatsoever is an Absurdity, A Usurpation, and a Crime,” Spooner wrote:

All the great governments of the world - those now existing as well as those that have passed away - have been of this character. They

have been mere bands of robbers, who have associated for purposes of plunder, conquest, and the enslavement of their fellow men. And their laws, as they have called them, have only been such agreements as they have found it necessary to enter into, in order to maintain their organizations, and act together in plundering and enslaving others, and in securing to each his agreed share of the spoils.

All these laws have had no more real obligation than have the agreements which brigands, bandits, and pirates find it necessary to enter into with each other, for the more successful accomplishment of their crimes, and the more peaceable division of their spoils.

According to the libertarian view, all governments exhibit at least two fundamentally aggressive, and therefore criminal, attributes. First, governments obtain their revenue by means of taxation; that is, by compulsory levy. Taxation is contrary to the basic principles of libertarianism because it involves aggression against non-aggressive citizens who refuse to pay their taxes. It makes no difference that the government offers goods and services in return for the tax money. What matters is that taxation is not voluntary. Secondly, all governments presume to establish compulsory monopolies of defense services (police, courts, and law code) over certain geographical areas. Even if governments were financed by “voluntary” contributions, their second aggressive feature would remain. Individual property owners who prefer not to subscribe at all or to subscribe to another defense company within that area are not permitted to do so. Government, apart from individual outlaws, is the only organization in society that can use its funds to commit violence against its subjects. Only the government is empowered to aggress against the property rights of its citizens, whether to extract revenue or to impose its own moral code. This analysis leads directly to the two most important questions of political philosophy: What distinguishes the edicts of the State from the commands of a bandit gang? and Can taxation be defined in such a way as to make it different from robbery? In his appendix on “Taxation” which appeared in his book *Trial by Jury*, Spooner answered these questions thus:

To take a man’s property without his consent is robbery; and to assume his consent where no consent is given, makes the taking none the less robbery. If it did not, the highwayman has the same right to assume a man’s consent to part with his purse, that any other man, or 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 pretense 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 does not desire it, or does 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.

Until the American Civil War proved him wrong, Spooner had believed that the American government and Constitution were based on the "consent of the governed." Although slaveholders were themselves in violation of natural law doctrine, Spooner maintained that they still had the right to secede from the Union. To be taxed against their will and to be held to membership in an association to which they did not wish to belong was contrary to the principles of a voluntary government. In 1867, in the second part of his pamphlet series, *No Treason*, Spooner wrote that there is no middle ground between taxation and consent:

Either "taxation without consent is robbery," or it is not. If it is *not*, then any number of men, who choose, may at any time associate; call themselves a government; assume absolute authority over all weaker than themselves; plunder them at will, and kill them if they resist it. If, on the other hand, "taxation without consent *is* robbery," it necessarily follows that every man who has not consented to be taxed, has the same natural right to defend his property against a tax gatherer, that he has to defend it against a highwayman.

In Part VI of *No Treason* we find Spooner's analysis of the State as a robber group, which "is perhaps the most devastating ever written":

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

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

The government does not, indeed, waylay a man in a lonely place, spring upon him from the roadside, and holding a pistol to his head, proceed to rifle his pockets. But the robbery

is none the less a robbery on that account; and it is far more dastardly and shameful.

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

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

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

"Power corrupts and it attracts the corruptible."

Spooner claimed that the secret ballot makes a secret government, "and a secret government is a secret band of robbers and murderers." The secret ballot was in effect, "a tacit understanding between A, B, and C, that they will, by ballot, depute D as their agent, to deprive" men of their property. Such a tacit understanding in no way empowers D to act for them and "he is none the less a robber, tyrant, murderer, because he claims to act as their agent, than

he would if he avowedly acted on his own responsibility.”

It was Spooner’s contention that no government could excuse itself from a violation of the individual’s right to property and person. He was appalled by the government’s resort to conscription during the Civil War, and by its issuance of legal tender notes. The legal tender decisions of the Supreme Court especially upset Spooner because they were entirely contrary to his theory of justice and property. In his own satirical way, he recommended the practices of the Supreme Court to all bandit gangs:

If a company of bandits were to seize a man’s property for their own uses, and give him their note, promising to pay him out of their future robberies, the transaction would not be considered a very legitimate one. But it would be intrinsically just as legitimate as is the one which the Supreme Court sanctions on the part of Congress [in regard to the legal tender decisions].

... Banditti have not usually kept supreme courts of their own, to legalize either their robberies, or their promises to pay for past robberies, out of the proceeds of their future ones. Perhaps they may now take a lesson from our Supreme Court.

The Lincoln administration also sought loans from abroad to bolster its sagging finances. Spooner was upset to discover that people would entrust their

savings to such a government for such purposes as subduing the Southerners.

This business of lending blood-money is one of the most thoroughly sordid, cold-blooded and criminal that was ever carried on, to any considerable extent, amongst human beings. It is like lending money to slave-traders, or common robbers and pirates, to be repaid out of their plunder. And the men who loan money to governments, so-called, for the purpose of enabling the latter to rob, enslave, and murder their people, are among the greatest villains that the world has ever seen. And they as much deserve to be hunted and killed (if they cannot be otherwise got rid of) as any slave-traders, robbers, or pirates that ever lived.

Thus ends this survey of the “criminal” metaphor in libertarian thinking. Anyone who accepts the libertarian principles of self-ownership and homesteading and seriously reasons out their implications will eventually realize that the State is criminal. As has been pointed out, the mere fact that the State must exist by violence is sufficient evidence to brand it invasive. We need always fear and defend ourselves from the random violence of the lone criminal; but more importantly, we must never forget that the institutionalized violence committed upon us by the State is actually our greatest threat. ▮

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