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# The Voluntaryist

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Whole Number 177 “If one takes care of the means, the end will take care of itself.” 2nd Quarter 2018

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## The Veneer of Legality: Some Thoughts on THE ORPHEUS CLOCK and ROBBING THE JEWS

By Carl Watner

In late August 2015, I read a book review in THE WALL STREET JOURNAL headlined “What the Nazis Stole.” It was not until early October 2016 that I read the actual book, THE ORPHEUS CLOCK: THE SEARCH FOR MY FAMILY’S ART TREASURES STOLEN BY THE NAZIS by Simon Goodman. What the Nazis stole was an art collection containing works by Botticelli, Degas, and Renoir, among others, and “a peerless silver collection - including an ornate 16th-century clock,” handmade and carved “with intricate high-relief depictions of scenes from the legend of Orpheus in the Underworld.” These valuable works had been collected by the author’s great-grandfather, Eugen Guttmann (1840-1925), “one of the wealthiest men in Germany” and co-founder of the Dresdner Bank (1872), and his grandparents, Fritz and Louise Guttmann (1886/1892-1944), also very affluent art collectors and wealthy patrons in their own right. The Nazis confiscated everything his grandparents owned, including their Dutch estate, Bosbeek, and then shipped them off to Theresienstadt, a concentration camp in German-occupied Czechoslovakia.

In THE ORPHEUS CLOCK’s “Related Bibliography,” I found a citation to ROBBING THE JEWS: THE CONFISCATION OF JEWISH PROPERTY IN THE HOLOCAUST, 1933-1945, written by Martin Dean of the U.S. Holocaust Museum’s Center for Advanced Holocaust Studies. Dean describes the mechanisms and institutions which the Nazis used to despoil the Jews of both western and eastern Europe. It not only recounts the story of the super-rich Guttmanns but shows how the Nazis mercilessly treated their political opponents, members of trade unions, the Roma (gypsies), the Jews, and others.

Starting with Hitler’s ascendancy to the Chancellorship in January 1933, the Nazis promulgated “more than 400 decrees and regulations” which in one way or another provided “for the confiscation of the ‘property of enemies of the people and the [German] state’.” Both Goodman and Dean repeatedly point out that the Nazis took great steps to make their “massive program of state-sponsored theft” appear legitimate. As Dean writes, the transfer of Jewish property

was inextricably linked to the concept of ‘legal title.’ The Nazi expropriation of Jewish property could be conducted on a grand scale only through the deployment of a wide variety of

special taxes, punitive measures, and confiscatory decrees that purported to provide a legal title to the Reich and other beneficiaries. ... Without a legal guarantee from the state, the market for stolen Jewish property would have remained limited, ... . The term ‘confiscation,’ rather than theft, expropriation, or seizure, ... has been used [because] this term directly reflects the legalized, bureaucratic, and state-organized nature of the process. After the deportations, the Nazis used legal artifice to make it appear they were merely collecting, on behalf of the state, ownerless property left behind [by the Jews]. The deliberate euphemism of property “falling” to the Reich was intended to reassure bureaucrats of the legality of their actions.

It may be argued that my conception of life is not the right one. I am open to conviction. But I will not allow others to organize my life for me or compel me to follow what they consider is the right path. My life is my own. It belongs neither to the kolkhoz nor to the community nor to the political commissar. Therefore, I have the right to live it in whatever way I may choose and to co-ordinate with the commissar only if I so desire. ... Actually, I have no such desire. But even if I had, no one would have the right to blame or praise me. It is my life and I shall do what I please with it. ...

I am a man, and if I have done no wrong no one has a right to imprison or torment me. My soul and my life belong to me alone, and whoever you may be and in spite of all the tanks and machine guns and planes and camps and money you may possess, you still have not the right to touch my life or my soul.

- C. Virgil Gheorghiu, THE TWENTY-FIFTH HOUR (1950), pp. 256 and 292.

Simon Goodman similarly noted that the Nazi leadership did not consider themselves thieves or murderers at all. They “insisted in wrapping even their most despicable acts, all the way down to mass murder, in a strange patina of legality.”

In the Nazi view, it was all quite legal to confiscate or force the sale of artwork from terrified Jews, provided the “seller” signed the necessary paperwork in triplicate. That the purchase of such artworks was negotiated, in effect, at gunpoint did not, in the Nazi view, make the resulting deals any less legitimate.

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# The Voluntaryist

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## Subscription Information

Published quarterly by The Voluntaryists, P.O. Box 275, Gramling, SC 29348. A six-issue subscription is \$25. For overseas postage, please add \$5. Single back issues are \$5. Gold, silver, and bitcoin readily accepted. Please check the number on your mailing label to see when you should renew. Carl Watner grants permission to reprint his own articles without special request. THE VOLUNTARYIST is online at [www.voluntaryist.com](http://www.voluntaryist.com).

## Looking Forward to a Free Society: A Book Review of LOOKING BACKWARD 2162-2012: A View from a Future Libertarian Republic

By Carl Watner

This exciting book, written by Beth Cody and published in 2012, is well worth reading. One can only wonder what would happen if Donald Trump and his advisers were to read it, and put some of its strictures into practice. Cody describes a society whose members value their liberty and realize the importance of spiritual freedom. It is a society of individuals who are working toward voluntarism, but who are not quite there, yet.

The basic purpose of LOOKING BACKWARD is to describe a libertarian society (with a very limited government) as the author imagines it might exist in the year 2162. This is accomplished by the use of a time capsule framework, which projects the main character, Professor Julian West, into the Free States of America (a group of mid-western states that have seceded from the United States of America sometime after 2037).

The author begins with a description of how the United States of America breaks apart, and survives as a much smaller political unit, and how a number of distinctive republics, each with their own statist characteristics, emerge from the rubble of a country formerly governed from Washington DC. The discussion of how smaller, less centralized, states might come about is a topic unto itself.

The basic political philosophy of this minarchist society is outlined on page 52 (my comments appear in brackets):

1. Federal and state governments cannot levy taxes or fees though local governments can do so. On page 69, the author adds that “A basic principle of making government as ‘good’ as possible is keeping government as local as possible.”

[The author denies the federal or state governments of the Free States of America the power to tax its citizens, but allows municipal governments to do so, believing that competition at the local level will prevent excessive taxes from becoming a threat to the liberty of

the citizenry. On the question of whether a ‘good’ government could exist, see Robert LeFevre, GOOD GOVERNMENT: HOPE OR ILLUSION? (1978)]

2. No government at any level can raise money through issuance of debt.

[The central and state governments must be voluntarily funded and are limited to receiving donations. They cannot sell government bonds, even to willing buyers.]

3. No government at any level can print or issue money or regulate any bank that does. The author adds, at page 53, that “Allowing government to control the money supply was one of the most dangerous mistakes” made by the Founding Fathers.

[The author presents a brief discussion of money and banking in the Free States of America. It would be interesting to know the author’s views on cryptocurrencies and gold. She does note that private insurance of bank deposits would exist and that insurance companies would probably curb fractional reserve banking by charging higher rates to banks that engage in “high-risk” lending. (page 255)]

4. There cannot be a national military, only state volunteer reserves and militias.

[The author notes the importance of individual weapon ownership in a free society (as the ultimate defense against tyrannical government). She also observes that individuals in a free society may own tanks, artillery, satellites, and heavy weaponry, but notes that private ownership of biological, nuclear, and chemical weapons has been constitutionally outlawed. See pages 91-92 for an elaboration.]

5. No government at any level can fund, regulate, or provide education. Compulsory attendance laws are constitutionally forbidden (pages 104-5).

[The author makes the point (several times) that education is too important to become the responsibility of government. One must ask: Is not the provision of law and order just as important as education, and if so, why should its provision devolve upon government?]

6. No federal or state government employee may receive any compensation from public money.

[Government employees are all volunteers. See the extended discussion, pages 64-66.]

7. The federal government cannot make any additional laws restricting the freedom of individuals, businesses, or states other than already empowered in the Constitution. States may do so pursuant to their own constitutional restrictions.

[The author does not furnish drafts of the federal or state constitutions. It would have been helpful for her to have done so. She does refer to two provisions in all state constitutions: A. No state may pass a new law unless it first gets rid of an old law; and B. “Any representative, state or federal, who votes for passage of a bill that is later judged to be unconstitutional will spend five years in jail and be fined a very large

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penalty.” (page 78)]

I urge readers of this review to read the book itself. The author has a wide understanding of free market economics and how individuals could live peacefully together in the absence of coercive government. For example, some of her astute observations are:

Page 82: “People are more trusting of each other . . . , and consequently happier” when they rely on themselves and voluntary arrangements and do not have an all-powerful government to solve their problems.

Page 176: Paying taxes makes people less generous in the long run.

Page 190: The best way to destroy something is to get government to pay for it. [One must ask why this stricture should not be applied to government provision of law and order.]

Page 218: Government spending in one area crowds out private spending in the same area. [One must ask why this insight does not apply to government provision of law and order.]

Page 250: Free markets are not perfect but other alternatives are usually worse.

Pages 279-280: Individuals who are free to live their lives without outside coercive interference exert a positive influence on others to live in liberty. The author refers to this as the cascading effect of freedom.

Page 282: Trade is the voluntary exchange of goods and services between individuals and trade is what is responsible for the success of the human race.

The author plainly states that the society she describes would still be an imperfect one. The individuals in such a society will still suffer from the same weaknesses that have visited mankind since the beginning of time: some people steal, murder, and physically harm others. (page 80) However, the people in such a society accept that freedom is their most important cultural value (page 174) and “believe that freedom from government control is prerequisite to every other good thing that [they] can achieve.” (page 99) As the author writes, Freedom means that the inhabitants of her world “are free to go about the hard work of deciding for [themselves] how [they] can strive to lead virtuous lives.” (page 207) “In order [for them] to lead a good life [they] must have the freedom to choose between [the] good and the bad,” and it is “the possibility of choosing badly [which] is what gives [their] good choices meaning.” (pages 203-4)

When it comes to the issue of taxation, it is clear that the author understands that taxes are “morally wrong, unnecessary and certainly don’t help the poor.” (page 161) Although this libertarian republic uses taxation on a local government level (though some localities rely on voluntary funding) the author still understands that it is wrong to force people to pay for law and order. “It’s not wrong to *ask* people to share the expense of law and order or helping the less fortunate, but it is wrong to *force* them to so. We pay for these things without

coercion.” (page 130) Forcing others to pay would be wrong. “We can only control our own actions,” not that of others nor can we force them to contribute. “[T]olerating a few freeloaders is a pretty low price for the freedom and prosperity that we enjoy.” (page 148) For more insight on the issue of voluntary taxation and the funding of coercive government see “K.I.S.S. A Pig! - Anarchist or Minarchist?” Issue 149. For more insight on the private provision of law and order see John Hasnas, “The Myth of Law and Order,” Issue 123, and Hans Herman-Hoppe, “The Private Production of Defense,” Issue 120.

There are many other facets of this book which deserve attention, but there are also some omissions which ought to be mentioned. Just to list a few in both categories:

The author:

A. describes how a widespread pandemic is handled in the absence of any coercive quarantine mechanism.

B. briefly discusses how roads are privately owned and operated but fails to observe that automobile liability insurance could be made a contractual requirement for use of the roads.

C. mentions various examples of how private insurance would be developed in a free society. For example, she discusses health status insurance, poor outcomes insurance, birth defect insurance, crime insurance, and fire insurance. See pages 122-124, and 133.

D. discusses the benefits of an open immigration policy, although there is no mention of how people would be identified. Would there be birth certificates and identification papers issued by private organizations?

E. fails to recognize that intellectual property should be owned and that data banks could exist which would pay royalties on such properties.

F. discusses the role of arbitration agencies (page 87), but does not consider what would happen if large numbers of individuals patronized private defense services. Might competing, private insurance companies begin to provide the services offered by the local, state, and federal governments in the Free States? Would any of these ‘limited’ governments try to exert a territorial monopoly of control and outlaw the competition?

G. does not provide an index, which would make it much easier to find discussions of specific topics, nor does she have any footnotes to support her interpretations of such historical events as Love Canal, the regulation of the meat-packing industry, and environmental concerns such as climate change.

As should be obvious, this volume presents plenty of food for thought. It ought to be fodder for anyone interested in voluntarism. It would be an excellent addition to Jim Payne’s TAKE ME TO YOUR GOVERNMENT and his PRINCESS NAVINA VISITS VOLUNTARIA. This book is highly recommended and can be ordered from The Voluntarist for \$ 15 postpaid

to US addresses. It is also available on amazon.com in a Kindle version. **V**

## The Veneer of Legality

*(Continued from page 1)*

Even Reichsmarschall Goering, the most prolific looter of all, insisted to the end of his days that all of his art acquisitions were obtained “legally,” all properly bought and paid for from their owners. It was said that, while awaiting trial at Nuremberg, Goering cheerfully shrugged off accusations that he was complicit in the murders of 6 million people, yet grew truly indignant when he was accused of being an art thief.

Although the acts of killing enemy civilians and fighters, and looting and spoliation, were “ancient, timeless, and pandemic,” the greatest art thefts in world history took place during World War II. “Nazi plunder was only exceptional in its scale, its ruthlessness, its planning, and even its recording.” Lynn Nicholas, in the anthology *THE SPOILS OF WAR* (1997) observed that,

The Nazis felt a peculiar need to give legal reasons for their looting and, as the tons of documents they left behind show, they went to the most elaborate lengths to do so. Confiscation of private collections was selective and limited to things “abandoned,” that is, left in normally safe museums, houses, safe-deposit boxes, or commercial storage by those who had fled, especially German Jews who had managed to get their collections out of Germany. In France, the Vichy government, greedy for some of the spoils, played straight into Hitler’s hands by declaring that French Jews who had left the country were no longer citizens. When, to Vichy’s surprise, the Germans began to take the possessions of these families, the French protested that this violated the Hague Convention (1907), which prohibits the removal of the private property of the citizens of an occupied country. The Nazi response to that was that the objects in question no longer belonged to French citizens and that the convention, therefore, did not apply.

Both are thieves, the receiver as well as the stealer.

- Phocylides, 6th Century BC poet, *MORAL EPIGRAMS*, cited in Richard Chesnoff, *PACK OF THIEVES* (1999), p. vii.

The Nazis used a wide array of legislative decrees and regulations, to dispossess their enemies. These included laws to prevent the flight of capital (1931), laws for the revocation of naturalization and the annulment of German citizenship (1933), laws permitting the blocking of bank accounts (1936), laws

ordering the registration of all Jewish property (1938), the collection of punitive taxes (1938), and laws ordering the compulsory surrender of real estate, stocks and bonds, all precious metals and jewelry (1939). Jews were limited to the amount of money they could withdraw from their bank accounts and they “could not spend more than a fixed amount each month without obtaining permission from the [German] Currency Offices.” In mid-October 1941, prior to their deportation from Germany, Jewish families “had to prepare a final property inventory to assist the bureaucratic process of liquidating their estates.”

It is undeniable that human beings have killed other human beings for as long as human beings have lived on this planet, but to kill other human beings efficiently and in large numbers takes a state.  
- Gerard Casey, *LIBERTARIAN ANARCHY* (2012), p. 33.

The extended Guttman family in Germany was subject to all of this legislation, but Simon’s grandparents, Fritz and Louise, had settled in Holland. They and their son, Bernard (Simon’s father), had renounced their German citizenship in 1924 in order to become Dutch citizens. However, this did little to protect them when the German army occupied their adopted country. Fritz’s father, Eugen, preserved most of his wealth during the German hyperinflation after World War I by investing in real estate, foreign currencies and stocks, as well as assembling a fabulous collection of world famous paintings and silver art works. Eugen decided to place his assets in a family trust, which was incorporated in Amsterdam. In 1925, after his father’s death, Fritz became executor of his father’s estate and director of the Guttman Family Trust, which developed into a multi-million dollar financial concern.

After the Nazis invaded Holland they confiscated Fritz’s business properties, but not before Fritz had transferred money and securities to England and Switzerland. A few of his personal art works were shipped to New York but the large majority of his paintings were sent to Paris for safekeeping. The silver collection, which remained in Holland, fell under the watchful eyes of Nazi profiteers. They presented Fritz with an ultimatum: sell your artwork in Paris for what we offer or else we will confiscate it as enemy property. Although Fritz signed over the artwork which he and Louise owned personally, he refused to sign over the silver collection which was owned by the family trust. He could not give the silver collection to the Nazis because he had transferred the shares of the trust to his brother-in-law in Italy, who was a senator in the Italian parliament.

Nevertheless, the silver collection was seized by the Nazis and shipped to Munich for “safekeeping.” Even

after Fritz and his wife were imprisoned at the Theresienstadt concentration camp in late May 1943, the Nazis were still obsessed with obtaining “legal” title to it. In order to do so, they demanded Fritz “revoke the transfer of the family shares to Senator Orsini.” In the camp ghetto, Fritz became known as “the baron who refused to sign over his fortune to the Nazis.” Repeatedly interrogated and threatened by the SS, Fritz steadfastly refused to sign the “documents transferring to the Reich the legal ownership of the Guttman Silbersammlung.” There is no evidence that Fritz ever acquiesced to the Nazi demands, and in April 1944, he and Louise were removed from the main camp and sent to the Little Fortress prison where witnesses attest to having seen him beaten to death. Louise was eventually transferred to Auschwitz, where she was killed.

At the end of the war, the bulk of the Guttman silver collection was recovered, but several important pieces, including the Orpheus Clock, were missing. Some of the massive amounts of paintings, antiquities, and sculptures stolen by the Nazis were hidden by German civilians, or retaken by the Russians and shipped back to Russia; other pieces were taken back home by American soldiers. In an effort to preserve the artwork, the Allies established a joint military unit known as the Monuments, Fine Arts, and Archives group. It consisted of “museum professionals, art historians, art dealers,” and other experts whose job was to identify valuable war booty, and ship it back to its country of origin, where it became state property until post-war governments found the rightful owners.

The burden of proof in establishing ownership of the stolen property fell to each family, including the Guttmans. Most of the post-war governments demanded that heirs produce inventory lists, proof of prior purchases, as well as death certificates of deceased owners. Fritz’s son and daughter, Bernard and Lili, eventually obtained a notarized affidavit (which the Dutch bureaucracy at first refused to recognize) from a survivor of Theresienstadt which attested to their father’s death. They faced other bureaucratic obstacles. With respect to their parent’s real estate, the new Dutch government took the position that if it “restored the Guttman family’s title retroactively back to 1942, then the Guttman family would concurrently be liable for all back taxes and unpaid mortgages,” along with “various other liens and encumbrances.” With regard to the ownership of the valuable paintings and antiquities taken by the Nazis, under Dutch law, “ownership of any artworks, or other property, sold by Dutch citizens to the Nazis during the occupation was technically transferred to the Dutch government, on the grounds that the Dutch government-in-exile had declared such sales illegal during the war.” To make matters worse, the Dutch bureaucrats took the position “that Fritz Guttman had willingly sold his artworks to the Nazis and had been paid,” even though Guttman was under duress and had never received any money from the Nazis. After an

extended court case in Holland it was concluded that although Fritz had not been directly coerced, the sales had taken place “under the influence of ... exceptional circumstances.” Therefore they were subject to restitution by the Dutch government. But wait. There is more!

The heirs were allocated the right to restitution on condition that the sales price “received” during the war be handed over to the [Dutch] state. In a nutshell, if Bernard and Lili wanted their family heritage returned, they would have to buy it back from the Dutch government.

When Bernard died in 1994, the files documenting his attempts to restore his family’s property were turned over to his sons, Simon and Nick. THE ORPHEUS CLOCK documents their efforts to locate the remainder of the art work, which they knew their great-grandfather and grandfather owned, and then recover it from the museums and the wealthy art patrons who had somehow gained possession of it after the war. This included restitution for the Orpheus Clock and another extremely rare Renaissance astronomical table clock, both of which had been buried by Nazi profiteers at the end of World War II, and then eventually sold to the historical museum of the State of Baden-Wurttemberg in 1973.

[T]he State claims and exercises the monopoly of crime ... . It forbids private murder, but itself organizes murder on a colossal scale. It punishes private theft, but itself lays unscrupulous hands on anything it wants, whether the property of citizen or of alien. There is, for example, no human right, natural or Constitutional, that we have not seen nullified by the United States Government. Of all the crimes that are committed for gain or revenge, there is not one that we have not seen it commit—murder, mayhem, arson, robbery, fraud, criminal collusion and connivance.

- Albert Jay Nock in “Anarchist’s Progress,” in ON DOING THE RIGHT THING AND OTHER ESSAYS (1928), p. 143.

What lessons might we learn from the story of the Guttmans and from the chronicle describing how the Jews were robbed during World War II? First, we must never lose sight of the fact that although property had disappeared or been stolen, millions of people lost their lives due to government-authorized killing. “The confiscation of Jewish art holdings, terrible as that may have been, was accompanied at every stage by the destruction of their owners. A people was systematically killed as its art was robbed.”

Secondly, the Nazi obsession with “the veneer of legality” highlights the fact that all governments use their political laws to legalize theft and murder. Property and ownership rights are not determined by government laws. A natural rights theory of justice in

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property titles, based on the self-ownership and homesteading axioms, is “the only sure ground for a continuing critique of government laws and decrees.” Ultimately we are faced with the question, “What distinguishes the edicts of the State from the commands of a bandit gang?” Both THE ORPHEUS CLOCK and ROBBING THE JEWS offer extensive evidence to buttress the voluntarist conclusion that ALL States are simply criminal gangs writ large.

### Short Bibliography

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## Anarchism Without Hyphens

By Karl Hess

[Editor's Note: Karl Hess (1923-1994) was an American writer and libertarian activist. He joined the Libertarian Party and was the editor of its newspaper from 1986 to 1990. This short text first appeared in the magazine THE DANDELION, Issue 13 (1980). It stresses the position ... that anarchy means freedom and voluntary self-organization and no one in the anarchist movement should prescribe which of the various “isms” (capitalism, communism, mutualism, etc.) anarchists should follow. THE DANDELION is not currently being published but other libertarian materials from the publisher Michael Coughlin, can be found by searching “Letterpress Book Publishing” on the internet, and once there, clicking on “Publications.” This note and article is excerpted from [www.panarchy.org/hess/anarchism.1](http://www.panarchy.org/hess/anarchism.1)]

There is only one kind of anarchist. Not two. Just one. An anarchist, the only kind, as defined by the long tradition and literature of the position itself, is a person in opposition to authority imposed through the hierarchical power of the state. The only expansion of this that seems to me to be reasonable is to say that an anarchist stands in opposition to any imposed authority.

An anarchist is a voluntarist.

Now, beyond that, anarchists also are people and, as such, contain the billion-faceted varieties of human reference. Some are anarchists who march, voluntarily, to the Cross of Christ. Some are anarchists who flock, voluntarily, to the communities of beloved, inspirational father figures. Some are anarchists who seek to establish the syndics of voluntary industrial production. Some are anarchists who voluntarily seek to establish the rural production of the kibbutzim. Some are anarchists who, voluntarily, seek to disestablish everything including

their own association with other people, the hermits. Some are anarchists who deal, voluntarily, only in gold, will never co-operate, and swirl their capes. Some are anarchists who, voluntarily, worship the sun and its energy, build domes, eat only vegetables, and play the dulcimer. Some are anarchists who worship the power of algorithms, play strange games, and infiltrate strange temples. Some are anarchists who only see the stars. Some are anarchists who only see the mud.

They spring from a single seed, no matter the flowering of their ideas. The seed is liberty. And that is all it is. It is not a socialist seed. It is not a capitalist seed. It is not a mystical seed. It is not a determinist seed. It is simply a statement. We can be free. After that it's all choice and chance.

Anarchism, liberty, does not tell you a thing about how free people will behave or what arrangements they will make. It simply says that people have the capacity to make arrangements.

Anarchism is not normative. It does not say how to be free. It says only that freedom, liberty, can exist.


Recently, in a libertarian journal, I read the statement that libertarianism is an ideological movement. It may well be. In a concept of freedom, it, they, you, or we, anyone has the liberty to engage in any ideology, in anything that does not coerce others, denying their liberty. But anarchism is not an ideological movement. It is an ideological statement. It says that all people have the capacity for liberty. It says that all anarchists want liberty. And then it is silent. After the pause of that silence, anarchists then mount the stages of their own communities and history and proclaim their, not anarchism's, ideologies - they say how they, how they as anarchists, will make arrangements, describe events, celebrate life and work.

Anarchism is the hammer-idea, smashing the chains. Liberty is what results and, in liberty, everything else is up to the people and their ideologies. It is not up to THE ideology. Anarchism says, in effect, there is no such upper case, dominating ideology.

It says that people who live in liberty make their own histories and their own deals with and within it.

A person who describes a world in which everyone must or should behave in a single way, marching to a single drummer, is simply not an anarchist. A person who says that they prefer this way, even wishing all would prefer that way, but who then says all must decide, may certainly be an anarchist. Probably is. Liberty is liberty. Anarchism is anarchism. Neither is Swiss cheese or anything else. They are not property. They are not copyrighted. They are old, available ideas, part of human culture. They may be hyphenated but they are not in fact hyphenated. They exist on their own. People add hyphens, and supplemental ideologies.

I am an anarchist. I need to know that, and you should know it. After that, I am a writer and a welder who lives in a certain place, by certain lights, and with certain people. And that you may know also. But there is no hyphen after the anarchist.

Liberty, finally, is not a box into which people are forced. Liberty is a space in which people may live. It does not tell you how they will live. It says, eternally, only that we can. 

## You Don't Own It

*(Continued from page 8)*

determine how much rent (taxes) you pay. Failure to pay that rent to whatever level of government it is due results in eviction or seizure. To claim to own property is to engage in a pretense of the government's creation. It needs your sanction. It wants to legitimate its rule over you by having you "think" you own property and by having you think that its purpose is to provide security and protection when really it is just plundering you.

Governments go to inordinate lengths to collect their rent and impose their wills on us. Imagine imprisoning a conscientious objector who refuses to fight in the government's war. Imagine being ordered to tear down "your" house because it wasn't built to "their" specifications. Imagine being jailed for teaching your children at home without government permission. Imagine being a victim of the government's War on Drugs. Imagine having your bank account seized because you refuse to pay your taxes to the government.

Now, imagine being a medieval lord. Could you do the things that governments do today?

A true owner owes no rent for the use of his or her property. A true owner may choose to do whatever he or she wishes with her property so long as no physical harm is caused to others. A true owner can leave his property sit idle, or can rent, or lease its use to others. He may also choose to destroy it. On the other hand, a renter must follow the rules set forth by his landlord.

For example, if one builds a house that does not meet the building code, one is either forced to pay to bring it up to code or to tear it down. This happens everyday of the work week in statist societies. Second, imagine what would happen if a miser was buried with his worldly treasures. What would happen if that person, or that person's estate, owed money to the government? The government would not hesitate for one instance to order an exhumation and recover whatever it was owed.

### Addendum

This article was originally written in October 2016, and in April, 2017, I found a reference to a book titled *THE MYTH OF OWNERSHIP* by Liam Murphy and Thomas Nagel (Oxford University Press, 2002). Murphy and Nagel take a position somewhat akin to that of Holmes and Sunstein in their book, *THE COST OF RIGHTS* (1999), which I discussed in Issue 134 in my article "Why Voluntarism and Liberty Don't Depend on Taxes or Government."

In the final chapter of their book, Murphy and Nagel summarize their position. They assert that property rights are conventional; that is, governments define and determine the extent of property rights. As they write: "Property rights are the rights people have in the

resources they are entitled to control after taxes, not before." (175) They recognize that this is counterintuitive since most people ask, "How much of what is mine should be taken from me to support public services or to be given to others?" Instead they argue that the real question for every citizen ought to be, "How should the tax system divide the social product between private control of individuals and government control ... ?" (175-176) They conclude that "individual citizens don't own anything except through laws that are enacted and enforced by the state. Therefore, ... issues of taxation are not about how the state should appropriate and distribute what citizens already own, but how" much the state should allow them to keep.

My article, as it appears here, begins by quoting the dictionary definition of 'ownership' as "The ... legal right of possession." If we accept the dictionary as the authority, then we are left to wonder if "legal" means "as legislated by the State," or does it mean "the customary rules of the community in which one lives"? The


The fact is that property was well recognized before law existed; the fiction is that "property is the creation of law."

- Herbert Spencer, *THE MAN VERSUS THE STATE* (1916) p. 199, from paragraph 33 of "The Great Political Superstition."

difference is significant. The former favors the position of Holmes, Sunstein, Murphy and Nagel. The latter embraces a natural law outlook based upon the fact that all production and wealth creation are the result of individual effort, and that there can be nothing to distribute if it is not first created by the individual. Since human beings require property to live (space to eat, work, and sleep; food to consume; clothes to wear) voluntarists recognize that property ownership does not depend upon the State. Doug Casey recently pointed out that "What keeps a truly civil society together isn't laws, regulations, and police. It's peer pressure, social opprobrium, moral approbation, and your reputation." [1] Rose Wilder Lane put it this way, "The only safeguards of property ... [are] individual honesty and public opinion. ... How much of the time is any American within sight of a policeman? Our lives and property are protected by the way nearly everyone feels about another person's life and property." [2] The self-ownership and homesteading axioms are the foundational bedrocks upon which voluntarism rests. The State doesn't own you or your work. You do! The government is not really your landlord, although it wants you to think so.

### End Notes

[1] Doug Casey, "On the End of Western Civilization," *CASEY DAILY DISPATCH*, May 6, 2017.

[2] Rose Wilder Lane, *THE DISCOVERY OF FREEDOM*, New York: The John Day Company, 1943, pp. 109-110. 

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## You Don't Own It or The Government as Landlord

By Carl Watner

**ownership** – “The ... legal right of possession.”

**rent** - “a tax or similar charge ... . A periodic payment made by a tenant to an owner or landlord for the use of” the owner’s property.

[NEW SHORTER OXFORD ENGLISH DICTIONARY, 1993, pp. 2059 and 2546]

In today’s statist world it is an illusion to think that anyone owns property, whether real estate or personal. The entire known world is claimed by one government or another. They all insist on collecting taxes in one form or another. What happens if you don’t pay your tax(es)? Agents of the government come and take you, or your property, or both to settle whatever claims they might have against you. They can do this with impunity. If your neighbors try to help you resist, they, too, will be seized and hauled off to jail.

Everything you have is up for grabs: your life, your land, your valuables. Not only do you not own any property, you do not even own yourself. Governments can and have conscripted men and women to fight in their armed forces. It can put you in prison for refusal to do so. It can force you to be a juror or put you in jail for contempt for not following its orders. The government issues money for its citizens to use, but it can also declare the use of its currency illegal and make “your” money worthless. It also passes laws that authorize

its chartered banks to take money from “your” account whenever the government has a claim against you (that you won’t settle voluntarily) or whenever the bank needs a bail-in to rescue itself. Nothing is sacrosanct or immune from seizure, not even your intended resting place or the graves of your ancestors to which you might hold title.

There are at least two reasons not to “own” property in a statist society.

All government agents behave as if the land is their land, the property is their property, and the people are their slaves.

- Paraphrased from Patricia Crone, “The Tribe and the State,” in J. A. Hall (ed.), *THE STATE* (1994), p. 460.

First, if a person “owns” no property it is practically impossible for the government to collect taxes from that person. One cannot be a taxpayer if one has no property to tax. (It is interesting to observe that this is not always true. Governments have collected poll taxes - taxes simply based on the existence of the citizen. Witness Henry David Thoreau’s well-known night in jail for failure to pay his poll tax to the state of Massachusetts.)

The second reason is to refuse to participate in the charade that you are an owner. It is a myth and an illusion to think that one really owns property. At most one rents what one claims to own. So long as the government makes and enforces the laws, it can

*(Continued on page 7)*

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