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

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A Monopoly on the Means of Identification: The Evolution of the Compulsory State Birth and Death Certificate

By Carl Watner
Introduction

When the Constitution of the United States was finally adopted by the thirteen states of the Articles of Confederation, the new federal government had no power to collect direct personal income taxes from each citizen or to record their births and deaths except once every ten years (in conjunction with the decennial census which was required to determine the apportionment of congressmen in the House of Representatives). "There was not the remotest idea in the minds of the framers of the Constitution as to the necessity of a complete record of vital statistics" Even among the States at that time, there was little concern for the official, civil registration of births and deaths. As one commentator noted during the 1860s, it was probably impossible for a large portion of the American populace to prove that they were ever born, that "their parents were ever married, and that they have any legitimate right to the name they bear," Yet today, nearly every person has a state-issued birth certificate. The constitutional directive for the decennial census has been expanded to such an extent that serious consideration is now being given to assigning a federal identification number to each and every citizen and resident alien. How did we, in the United States, move from the point where very few of our ancestors were concerned about even having a record of their births (much less having a public official make that record) to the point where we are ready to accept a government number to identify us? The main purpose of this article is to answer that question by presenting an overview of the evolution of government-mandated birth and death certificates in the United States.

In the Beginning

When the colonists that settled at Jamestown, Virginia and Plymouth Rock, Massachusetts arrived in North America, there already existed a history of birth and death registration in the older European countries. For example, in 1538, Lord Thomas Cromwell had ordered that the English parishes be responsible for keeping registers to record baptisms and burials. However, since the Puritans and Pilgrims took the view that marriage was a civil event, rather than a religious one, they held that the registration of births and deaths should be a government responsibility, rather than an ecclesiastical one. Therefore, in 1639 the General Court of the Massachusetts Bay Colony ordered that births and deaths should be reported to the town clerk by parents or household owners within one

month of their occurrence. Thus Massachusetts holds the record for being

the first state in the Christian world which recorded births, deaths, and marriages by government officers; ... the first state in the world which recorded the dates of the actual facts of births, deaths, and marriages rather than the subsequent ecclesiastical ceremonies of baptisms, burials, and weddings; and ... the first state in the world which imposed on the citizen the duty of giving notice to the government of all births, [d]eaths, and marriages occurring in his family.

The Connecticut colony followed suit in 1644, and the New Plymouth colony did likewise in 1646. John Locke, in his "Fundamental Constitutions" for the government of the Carolinas, which was prepared in 1669, made provision for a "Registry in every Signiory, Barony, and Colony, wherein shall be recorded all the births, marriages, and deaths that shall happen."

During the 18th Century, there was little concern on the part of American governments, either federal or state, for the recording of vital statistics. In 1785, James Madison proposed a law in the Virginia Assembly which would have created a system of statewide birth and death registration. It was defeated in the Virginia Senate. Similarly, on the federal level, under the North West Ordinance of 1787 there was no provision for the registration of births and deaths. Only marriages were required to be recorded within three months. New York City first recorded deaths officially in 1803, but it was not until 1847 that the city began recording births and marriages. Very few people, except the most wealthy, who were concerned with their legal inheritance, had any real interest in official public records. Until the last half of the 19th Century, the recording of births, deaths, and marriages was generally considered either a semi-religious or social function. Such events, if they were recorded at all, were more likely to either be entered in a family's Bible, or a church register, than registered by a clerk in a government office.

It was largely the development of the public health movement and the advancements of medical science which propelled the demand for official vital statistics in the United States. What little collection of records of births and deaths there was among the states of the federal union, there certainly was no uniform method in their collection. As one historian put it, "Only as European nations created efficient mechanisms in the course of the nineteenth century did the uncoordinated condition of American state registration begin to reveal the extent of its shortcomings." For example, the English Parliament had passed a registration law in 1836, which provided for the collection of vital statistics. The legislature of Massachusetts followed suit in 1842. However it was almost three decades later before any state in the Union had an official Board of Health (Massachusetts in 1869), and before the

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Potpourri from the Editor's Desk

No. 1 "The Justification of Private Property"

Private property in real and personal property exists because if not so owned, the property cannot be bought and sold and disposed of in the ordinary course of trade. If the world is prepared to go back to Plato's condition of a little town with inalienable family holdings and each holding self-supporting, with no trade or exchange of property in the town, with every householder owning enough forced and unpaid labor to cultivate the land and produce everything necessary for the family, it would be a very easy matter to get rid of private property. But this social organization is a dream, it could never be attained. On the other hand the history of law and general history teaches that the institution of private property is in accordance with a developed human mind, in accordance with developed human institutions. Nothing is more silly than to say that the law made private property. The fact is the exact opposite. Private property came to exist and it made the law. Until that human mind can be changed, it is idle to think of abolishing private property. If the law should attempt to prohibit the transactions of human life based upon private property, no one would obey the law.

—John Maxcy Zane, *THE STORY OF LAW* (2nd edition, 1998), pp. 146-147 (final paragraph of Chapter 8)

No. 2 An Alternative Institution: "The Royal National Lifeboat Institution"

Founded in 1824, The Royal National Lifeboat Institution is "the world's oldest lifeboat service." It is "a privately funded, volunteer lifesaving service that protects mariners in much the way the Coast Guard does in the United States. ... It has saved thousands of lives without spending a penny of taxpayers' money. ... [The] RNLI has 224 lifeboats sited all around the coasts of Great Britain and Ireland, with lifeboats providing 24-hour service up to 50 miles offshore." It never garnered governmental support and "was forced to finance its activities through private donations and charitable legacies from wealthy individuals and organizations. ... [I]ts mission [was] never compromised by politics." During World War II, it continued its lifesaving activities, "despite some fierce objections from outside the institution, to rescue those in peril - irrespective of their nationality - in accordance with a long-held institutional policy personally endorsed by Winston Churchill."

—Excerpts from "The Rescuers," by Keith Pritchard, *SAILING Magazine* (December 2001), pp. 42-46.

No. 3 "Open up! It's the police!"

"Open that door," again the voice at my door said. "Open! Police. We want to speak with you for a minute."

"All right, all right. Coming." I begin to doubt that there are some people still left on this earth who are not policemen or who have no connection with the force. The police are supposed to maintain quiet and order, yet nobody in the whole world causes more trouble and is a greater nuisance than the police. Chasing criminals, and thereby killing innocent women. Keeping order, and throwing a whole town in the middle of the night into an uproar. Nobody drives more people crazy than the police. And just think, soldiers are also a police force, only with another name. Ask me where all the trouble in the world comes from.

—B. Traven, *THE DEATH SHIP*, The First Book, Section 7 (1934).

No. 4 "How War Has Transformed the American Dream Into A Nightmare"

Unfortunately, there are relatively few persons today [1953] who can recall those happy [libertarian pre-World War I] times. In his devastatingly prophetic book, *Nineteen Eighty-Four*, George Orwell points out that one reason why it is possible for those in authority to maintain the barbarities of the police state is that nobody is able to recall the many blessings of the period which preceded that type of society. In a general way this is also true of the peoples of the Western world today. The great majority of them have known only a world ravaged by war, depressions, international intrigues and meddling, vast debts and crushing taxation, the encroachments of the police state, and the control of public opinion and government by ruthless and irresponsible propaganda. A major reason why there is no revolt against such a state of society as that in which we are living today is that many have come to accept it as a normal matter of course, having known nothing else during their lifetimes.

—Harry Elmer Barnes, "Revisionism and the Historical Blackout," in Harry Elmer Barnes (editor), *PERPETUAL WAR FOR PERPETUAL PEACE* (Caldwell: The Caxton Printers, Ltd.), 1953, pp. 3-4.

No. 5 "From the Mouths of Babes"

"It is quite obvious that there are certain inherently governmental actions which if undertaken by the sovereign in protection of the nation's security are lawful but which if undertaken by private persons are not..."

Notarized Response, Former President Richard Nixon, March 9, 1976 [Cited in Athan Theoharis, *SPYING ON AMERICANS* (Philadelphia: Temple University Press, 1978, p. 230.)

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American Public Health Association was founded (1872). In the beginning, state laws that concerned themselves with vital statistics usually concentrated on the collection of records of death, which included such information as the place and cause of death. With that information public health doctors and sanitary engineers could enumerate the variety of sicknesses, infectious diseases, and

epidemics and begin to scientifically study their causes, containment, and control.

The States justified such activities under their police powers of providing for the public's health, safety, welfare, the prevention and detection of crime, and the need to collect data for sanitary purposes and analysis. Lewis Hockheimer, in his 1897 article on "Police Power" in the *CENTRAL LAW JOURNAL*, noted that "The police power is the inherent plenary power of a State ... to prescribe regulations to preserve and promote the public safety, health, and morals, and to prohibit all things hurtful to the comfort and welfare of society." The constitutional basis of such state power was found in the Tenth Amendment, which reserved to the states all powers not explicitly delegated or prohibited in the Constitution. Firefighting regulations, quarantine laws, weights and measures, inspection of flour, meal, beef and pork, control laws over strong liquors, and recordation of vital statistics: in short, "no aspect of human intercourse remained outside the purview of" the police power if it could be justified as beneficial to the happiness and welfare of the state's citizenry.

The Registration Area

In 1880, the Federal Bureau of the Census initiated a national registration area for the uniform collection of death statistics in order to provide a scientific basis for the study of public health problems in the States. The registration "area" was simply all or part of a State (such as a major city within the State) which complied with the federal guidelines for the collection of death statistics. In order to qualify for admission into the national registration area a State or municipality had to comply with two requirements. First it had to pass a satisfactory law and implement a suitable system for death registration, and secondly, it had to attain at least a 90% rate of completeness in recording deaths within its geographic boundaries. Wilson G. Smillie in his book on *PUBLIC HEALTH ADMINISTRATION IN THE UNITED STATES* discusses the evolution of modern registration:

Various checks [we]re used by the Federal Census Bureau to determine whether a given state ha[d] fulfilled all requirements. The national registration area began with Massachusetts and New Jersey, the District of Columbia, and nineteen cities. Gradually the various states were admitted by the Federal Census Bureau so that every state is now included in the National Registration Area for Deaths. The National Birth Registration Area was established in 1915. Criteria for admission were similar to those required for admission to the death registration area. All states have met the federal requirements, though a few states have difficulty in maintaining the national registration standards. This formation of national registration areas marks one of the progressive steps in public health administration in the United States. It was brought about through formulation of a model registration law which was first presented to the official Association of Public Health Officers and approved by it. This model law had gradually been adopted by the various states.

Registration of all births and deaths within the state is a function of the state health department. The state health officer, or some other person on his staff, who is responsible to, and is designated by him, is the official

state registrar of vital statistics.

The basis for effective registration is the formation of an organization whereby each birth and death that occurs within the state shall be recorded immediately on an individual certificate. Standard uniform certificates may be used, as well as standard methods of collection of the certificates and standard methods of interpretation of the data. These certificates are filed as a permanent record, and become part of the state archives.

The objects of the national registration areas was the uniform and standardized collection of births and deaths throughout the entire United States, so that statistics from one part of the country could be accurately compared to that of another part. When the federal registration area for deaths began in 1880, it only embraced about 17% of the country's population. In 1900 it was estimated that about 40.5% of the population had their deaths recorded; in 1915, the figure was up to 66.9%, and by 1925 the figure was up to 88%. As the author of *WHY SHOULD BIRTHS AND DEATHS BE REGISTERED?* (published by the American Medical Association in various editions during the early 1900s), observed: the work of registration could not be called "a complete success *until every birth and death in the United States shall be promptly recorded.*" The former Chief Statistician for Vital Statistics of the United States, in 1916, wrote of his hope of the "rapid expansion" of the registration areas, "not only for deaths ... but also for births, until the entire country shall have attained a condition of 100% efficiency in this respect."

"If men were angels, they wouldn't need to be governed; but even angels would be corrupted by government power!"

American commentators and health officials during the later half of the 19th Century noted that "voluntary contribution of information by heads of families or physicians ... ha[d] always been a failure." In a report prepared for the U.S. National Board of Health in 1882, Dr. John Billings, a surgeon in the United States Army discussed the problems surrounding the accurate collection of birth and death statistics. Members of the general public were simply not informed enough to understand the importance of birth and death registration. They "suppose that it is merely a hobby of the doctors, who want the information for their own private purposes, and that this information can only be obtained by an unjustified amount of meddling with private affairs and by a system of espionage which will cause much trouble and difficulty." In a report to the Kentucky legislature in 1853, it was noted that the vital statistic records in many European countries are universal and compulsory: "In this country they would, by many, be considered unreasonable, oppressive, and tyrannical." When a birth registration law was passed in South Carolina "many of the citizens absolutely refused to" cooperate with the law. It soon became obvious to public officials that "We cannot ... hope to obtain any entirely satisfactory system of registration of births until the people at large have become educated to the necessity for it, and are induced to seek such registration of their own accord in order to secure proof of legitimacy, title to property, &c." How true this observation was is reflected in the following comment: "The national Social Security Act [1935]

proved to be a great stimulus to accurate birth certification. Many people had never considered a birth certificate to be of any importance until old age assistance, unemployment insurance, and other ramifications of the Social Security Act demonstrated to them that it was necessary to have this official proof of their existence." Another means of accommodating the people to the idea of registration was to use the public schools to instruct the up-and-coming generation about the importance of public health and the necessity of cooperating with governmental authorities for such purposes.

The 19th Century movement for registration of vital statistics started with the recording of deaths, not births. Authorities perceived that it was easier to begin with regu-

lations which required a government certificate of death than of birth, because birth registration would appear as a more invasive practice. A newborn could go his or her entire life without a birth certificate, whereas a person's body had to be disposed of within a few days of death. The initial laws in most American jurisdictions began by requiring that a government permit be issued for "every interment and removal of a dead body, and the community soon learns to consider any attempt at burial without a permit as a suspicious circumstance" Another commentator noted that "The *corpus* of every deceased human being must somehow be disposed of. The central registration authority in each locality is the only person qualified to permit legal disposal. Therefore substantially all deaths must get registered." The City of New York first required a death certificate under its Act of April 2, 1803, "which established public health regulations for the metropolis." All physicians were required to leave a signed note, which provided the name, age, and cause of death, with some member of the deceased's household. Sextons (the church official responsible for the church graveyard) were required to have the physician's statement present before any burial could occur. Violations of the law subjected the physician to a \$50 fine, and the sexton to a \$25 fine. Thus it was that the entire death and dying process was regulated, so that no dead person could be legally buried without the proper state-required or city-required paperwork.

Initially the doctor was the most important functionary in the system of collecting vital statistics. The doctor was involved in two of the most important events of any person's life: his birth and death. As a person licensed by the state to practice medicine, it became the responsibility and duty of the physician to assist the public health officers in each locale. "It is an onerous public duty of each physician to report promptly to the health department all births and deaths that occur in his private practice. ... The] simple procedure [of filling out birth and death certificates] is one of the primary obligations to his patients and to the community that a physician assumes when he is granted permission by the state to practice medicine." However, this was not always the attitude of doctors during the 19th century. In an article in the CHICAGO MEDICAL JOURNAL of 1878, it was noted that

In this country there is only the curiosity of a few scientific men that can be relied upon for the moral support of a registry law, and it is probable that in Chicago not more than 12 in every thousand would be found to care for the registration of their nativity even in a family Bible. The reason why physicians do not execute the law is because they not only have no personal interest in its execution, but [also] because of an invincible, though not always clearly recognized, feeling of revolt against the injustice of a law which inflicts a special tax on the physician in the shape of postage, time, and trouble, and affords no compensation for the extra labor and expense. People do not like to make a present to the Government in any shape or form. It is as unjust for the State to add fifty cents to the doctor's tax simply because he is a doctor as it would be to add fifty dollars. The State should pay for all such services and it need not incur any great expense. It might, as in the case of jury duty or military service by conscription,

Books Received

Robert R. Prechter Jr., **CONQUER THE CRASH: You Can Survive and Prosper in a Deflationary Depression** (Chichester: John Wiley & Sons Ltd.), 2002. Prepare for deflation and depression. Bob Prechter of Elliott Wave International (www.elliottwave.com) tells you why and how. \$27.95 from wiley.com.

Rigoberto Stewart, **LIMON REAL: A "Free and Autonomous Region (Region Autonoma y Libre)** (Tonopah: The Heather Foundation), 2002. The author, a native of Limon Province, proposes economic freedom and a free port for a portion of eastern Costa Rica. Translated by Spencer MacCallum and available from Box 180, Tonopah, NV 89049 or sm@look.net.

Jan Fortune-Wood, **BOUND TO BE FREE: Home Education As A Positive Alternative To Paying The Hidden Costs Of 'Free' Education** (2001). "Compulsion always carries its own costs." (p. 5) "Free" is a slippery word. Financially no education is free. If it is provided by the State, then the cost is paid by the taxpayer and for some, this fact alone involves an immoral level of coercion. ... Any education that is free at the point of delivery is bound to be a means of social engineering" (p. 107) Available from Educational Heretics Press, 113 Arundel Drive, Bramcote Hills, Nottingham, England NG9 3FQ. www.gn.apc.org/edheretics.

Stephen Zarlenga, **THE LOST SCIENCE OF MONEY: The Mythology of Money - The Story of Power** (2002). This book questions and challenges the Austrian economic theory of the origin of money. Its main thesis "is that by misdefining the nature of money, special interests have often been able to assume the control of society's monetary system, and in turn, the society itself." (p. 3) The author embraces "the paramount money principle - that the nature of money is a fiat of the law, an invention or creation of mankind and society, rather than a commodity." (p. 35) Does money evolve on the free market or is money "an abstract social invention - an institution of the law"? (p. 395) Highly provocative and highly recommended to anyone interested in the theory and history of money. Published by the American Monetary Institute, Box 601, Valatie, NY 12184. www.monetary.org. ☐

fix its own rate, but the obligation should be recognized. The payment would, of course, require increased general taxation, but the increase would be levied on all alike. The health officers are trying to get service from the doctors without paying for it.

The Model Laws

Even after the Registration Areas for the recording of birth and death statistics were in place, it took government authorities many years to bring all of the United States into the system. In 1903, Congress officially endorsed the system by passing a resolution that called for nationwide support of "proper registration of all deaths and births." Pennsylvania was one of the states that embraced the system, and it was reported that in that state there were "hundreds of actual prosecutions [which] have been directed by state authorities" against those who failed to register births. In 1907, uniform legislation patterned after the law in Pennsylvania was prepared. This law, which became known as the Model Law, was "endorsed by the Census Department of the U. S. Government, the American Medical Association, the American Public Health Association, the American Statistical Association, the Committee on Uniform Laws of the American Bar Association, American Child Hygiene Association, [and] the American Federation of Labor" When the registration area for births was established in 1915, it roughly embraced 31% of the American population. By 1927, it was in use in 45 of the 48 states.

"Governments often fail, but they never fail to coerce."

—Theodore Lowi, *INCOMPLETE CONQUEST* (1981), p. 27.

The Model Law was officially titled "A Bill To Provide for the Registration of All Births and Deaths in the State of ____." It essentially required the recording of all deaths within the State: no burials, cremations, removals, or interments are to take place without a death permit issued by the State Board of Health, and signed by the physician in last attendance, and if no physician was in attendance the next of kin or undertaker must notify the local health officer. The portion of the Model Law that concerned itself with birth registration began with the proviso, "That the birth of each and every child born in this state shall be registered as hereinafter provided." The law stated that it was the duty of the physician, midwife, or person acting as midwife, to register the birth. If there was no one acting in this capacity at the birth, then it devolved upon the father or mother of the child, or the householder or owner of the premises where the birth took place to report to the local registrar the fact of such birth within ten days of its occurrence. Upon being notified of the birth, the local registrar had the responsibility to issue a birth certificate.

The Model Law was intended to be compulsory and universal. It applied to each and every person within the geographic area of the state, and the law contained penalties for failure to comply. Under Section 22 of the Model Law, failure to meet the requirements of birth and death registration became a misdemeanor, "and upon conviction thereof for the first offense be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), and for each subsequent offense not less than ten dollars (\$10.00)

nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not more than sixty days, or be both fined and imprisoned in the discretion of the court." Although the Model Law did not explicitly endorse the idea, a footnote was inserted to the effect that "Provision may be made whereby compliance with this act shall constitute a condition of granting licenses to physicians, midwives, and embalmers." This meant that, assuming people practicing these occupations were issued new licenses each year, if they were convicted of failing to meet their obligations to register all new births and deaths which they attended, they would be denied their license to practice, and if they did not cease practicing their profession, they would be liable to be convicted of "practicing without a license." Of course, this is a very interesting way of the local state governments exerting control over private individuals in order to implement public health programs which licensed practitioners may or may not voluntarily support.

It is interesting to note that as early as 1882, Dr. John Billings, the public health official who was quoted earlier in this paper, observed that:

All registration acts which are upon a proper basis presuppose also legislation providing for the determining of those who are properly qualified physicians, and for making the names of these known to the registrar. It may be said, therefore, that the registration of vital statistics depends for its efficiency, to a very large extent, upon some system of registration of physicians and midwives.

An interesting implication to draw from Billings' analysis is that unlicensed practitioners were the bane of the authorities. Unlicensed doctors (whether or not they were competent) were too difficult to track and too elusive to be certain whether they filed death certificates. In short, from the very beginning of the movement for registration of births and deaths, government authorities understood they they had to control the practitioners of the birth and death profession. If people in society at large were unwilling to conform to government dictates, the authorities realized it was much easier to enforce their regulations by focusing on a much smaller group of people, whose occupational activities could be regulated. Billings follows the comments quoted above by a discussion of the obligation of physicians to report the existence of certain diseases to the public health authorities. He refers to this as "the compulsory notification of infectious diseases" and points out that if doctors are required to report infectious diseases to the public health department, there is no reason why they should not be willing to accept the compulsory reporting of deaths and the completion of death certificates.

The Modern Era: The Logical Climax

In an article on "Documentary Identification and Mass Surveillance in the United States," published in 1983, the authors noted the near total acceptance of birth certificates by all Americans: "It is practically impossible for an adult to live in the United States without frequent recourse to" documents of identification, such as the birth certificate, and "Today, documentary requirements make it difficult for anyone born in the United States to do without a birth certificate;" The government has been so successful in convincing its citizens that identification papers are necessary that even forgers and identity thieves, when they want to create a new personal identity, rely on government documents (either stolen ones or forged ones). In short, in our society the only means of

proving “who you are” is by means of government paperwork. Social Security numbers and drivers licenses did not even exist during the 19th Century. Before the 20th Century, “the majority of births in the United States remained unrecorded with any government agency,” but “[b]y 1950, census officials estimated that 97.9 percent of all births in the United States [were] being registered.”

The success of the United States governments, both on the federal and state level, in accomplishing the feat of legitimizing itself in the minds and bodies of its citizenry has been phenomenal. In the span of four or five generations, Americans have moved from a situation of quasi-voluntarism (of having their lives largely unregulated by government) to one of near-total government control over all their activities (literally, from birth to death). This success is best epitomized by the comment of William Smillie, who wrote that “the child has no real legal proof of existence in the eyes of the state without a proper birth certificate.” Smillie’s comment represents how presumptuous the government is in making government documents the starting point of a person’s existence and identity. Traditionally in the United States, and in customary tribal societies, the members of the local community and social network into which a person is born stand as witness to that person’s birth (and death). Such events are “a matter of public record in the minds of the people” and there is no need for the government to take note of or register such events.

In the monograph **WHY BIRTHS AND DEATHS SHOULD BE REGISTERED**, the author lists numerous reasons in support of his argument. Let us examine these reasons and see if the only way to achieve them is through government birth certification.

Such records are necessary in determining questions of parentage, heredity, legitimacy, personal identity, property rights, inheritance, and citizenship. No child labor law is of much value unless it rests on a system of birth registration and of birth certificates issued by the state by which the parent or the child can produce at any time positive proof of birth, paternity, and age. During the war [World War I], the operation of the selective draft act was greatly hampered by the fact that ... no legal evidence could be produced or existed by which the age of the individual could be positively proven. [Birth certificates are also useful:] To settle disputes as to age arising out of insurance claims; ... [T]o obtain a marriage license; ... [T]o gain admission to school; ... As proof of citizenship in order to vote; ... As proof of citizenship in order to obtain a passport.

In analyzing these points, it is first necessary to observe how many of them involve some government regulation or the interaction of the individual with the state. Nearly all the uses of the birth certificate evaporate if the state is removed from the picture. Child labor law enforcement; military conscription of men over a certain age; proof of citizenship for voting and passport purposes; all these reasons disappear if there is no state. The non-state reasons for having a proof of birth then become limited to questions determining property rights, legitimacy, and inheritance. How were these issues handled before the advent of state-mandated birth certificates? They were clarified, resolved, and sorted out through personal testimony, family documents, and

the appearance of witnesses and friends to support one’s claims. They certainly did not await settlement on the advent of state-issued birth certificates. Clearly, history is on the side of the non-state birth record, for people have lived, prospered, and died for thousands of years without such government documents.

There may be very good reasons for having records of birth and deaths, but this by no means implies that they must be maintained by the government. There are many “necessities” in life, but it does not follow that governments must provide them. For example, we all require food, shelter, and clothing, but during most of American history these necessities were provided by the free market to the extent that people could afford them and desired them. Realistically, there is no more reason for government to produce steel than there is for government to issue birth and death certificates. In a free society, a few organizations like Visa or MasterCard might evolve voluntarily to satisfy people’s demands for such records. Some people might choose to maintain their family’s birth and death records in an independent commercial registry; others might choose to use their family’s Bible; while others might simply keep track of such details themselves by issuing their own documents of record; and those who were either too ignorant or too unconcerned would simply do nothing. The point is that no one would be forced by another person or another group of people to become documented in a way that they did not desire. Those who wanted documentation could have all the identification papers they wanted and could pay for; those who objected would not be coerced. Charities would probably arise to provide for or pay for the documentation and identification of those who could not afford it themselves.

“[S]tates do not create law and order, they destroy it.”

—Hans-Hermann Hoppe, **DEMOCRACY—THE GOD THAT FAILED**, (2001), p. 185.

What opponents of state-mandated birth and death certificates object to is the “means.” They reject the compulsion involved in the state requiring that everyone have a birth certificate. They may or may not object to voluntarily having a birth certificate (of whatever form they or their parents chose), but they do oppose the use of coercion which would require that everyone have a *state-issued* birth certificate. Paraphrasing Robert Ringer, “I do not believe that I or any other person has the right to *force* men to be charitable [or to have state-issued birth certificates]. In other words, I am *not* against charity [or state-issued birth certificates], but I *am* against the use of force.”

Before the days of official birth certificates, it was standard practice in many parts of the world for strangers to carry “letters of introduction.” Such documents, issued by a well-known personage, would assure the person presenting it of a much quicker reception and acceptance in a society where he was not known. Similarly, in our modern world, private companies and organizations would probably develop a means guaranteeing a person’s real or true identity. Such a procedure would be akin to the issuance of a surety bond, issued by a reputable insurance company. In transactions which merited the importance of such

a guarantee, a "personal identity bond" might be demanded, so that in the event of one person masquerading as another, the party being deceived would have recourse to a reputable institution to recover his or her loss. Such a personal identity bond would be much like title insurance is today in real estate transactions. It would serve as a guarantee by an independent company that in the event of any legitimate and unexpected claim arising, the person defrauded would be reimbursed by the insurance company. The development on the internet of digital certificates, public key infrastructures, and private credentials represents a step toward a non-governmental means of identification.

As with many of the services it provides, the State has done a poor job in the provision of birth-recording services. Undoubtedly, even in a free society there would be people who attempt to criminally pretend they are other than who they really are. However, under the existing state system, there is near total reliance on "self-identification." So long as a person can supply a certain amount of personal information (date of birth, mother's maiden name, father's name, place of birth, and a legitimate address) governmental authorities will issue a duplicate birth certificate to that person. As yet, there is no realtively fool-proof system of identifying the person demanding the document with the person whose birth is recorded thereon. The current government attempts to use biometrics, or the suggestion to fingerprint or tattoo each newborn is a way around this impasse.

When state provision of birth and death records began there was practically no thought of extending government requirements to their logical conclusion (although Jeremy Bentham, in the 1830s did make such a connection). State involvement in vital statistics was justified on the perfectly innocent grounds of providing for the public's health and welfare by concentrating on the causes of death. Anyone who would have taken a principled stand on this issue in the early 1900s would have been laughed down. No one could have predicted that state-issued birth certificates would eventually be linked to the issuance of Social Security numbers, drivers licenses, passports, and other government documents. Give the government an inch, and it will take a mile! If, as the classical anarchists argue, the purpose of government is total control over and conquest of its citizens, then it would have been highly proper for our ancestors to have opposed state birth and death certificates. How much easier it would have been for them to resist at the beginnings, then for us to try and resist now.

Effective birth registration lies at the heart of the state's governance of its people. Realizing this, governments have coercively monopolized the issuance of birth certificates by making it a criminal act for those who are responsible for a birth not to register the newborn. The classic definition of the State is that it is the only institution in society that derives its revenues from compulsory levies, known as taxation, and that it maintains a compulsory monopoly of defense services (such as the police, armed forces, and judicial system) over a given geographic area. When you combine these elements with the state's success in sustaining a monopoly over the means of identification, the stage is set for a totalitarian world. Once you grant local, state, or county government a role in identifying its citizens, there is no logical stopping place until you reach the federal

level of demanding complete and total identification of each person in the United States (or if you are a supporter of world government of demanding complete and total identification of each and every person in the world). Therefore to oppose government enumeration is not only to oppose the government birth certificate but to oppose the government's monopoly on the means of identification in modern society.

[Editor's Note: This article was excerpted from my anthology on opposition to government enumeration. Footnotes deleted. More information available from The Voluntaryists.] ☑

Crushing the Spirit

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tions of coming and on going; the many hours I have spent in ante-rooms of consulates and officials, the many inspectors, friendly and unfriendly, bored and overworked, before whom I have sat, the many examinations and interrogations at frontiers I have been through, then I feel keenly how much human dignity has been lost in this century which, in our youth, we had credulously dreamed of as one of freedom, as of the federation of the world. The loss in creative work, in thought, as a result of these spirit-crushing procedures is incalculable. Have not many of us spent more time studying official rules and regulations than works of the intellect! The first excursion in a foreign country was no longer to a museum or to a world renowned view, but to a consulate, to a police office, to get a 'permit.' When those of us who had once ... spiritedly discussed intellectual problems met together, we would catch ourselves talking about affidavits and permits and whether one should apply for an immigration visa or a tourist visa, ... Human beings were made to feel that they were objects and not subjects, that nothing was their right but everything merely a favor by official grace. They were codified, registered, numbered, stamped and even today I, as a case-hardened creature of an age of freedom and a citizen of the world-republic of my dreams, count every impression of a rubber-stamp in my passport a stigma, every one of those hearings and searches a humiliation. They are petty trifles, always merely trifles, I am well aware, trifles in a day when human values sink more rapidly than those of currencies. ...

It may be that I had been too greatly pampered. ... I have no compunction about admitting that since the day when I had to depend upon identity papers or passports that were indeed alien, I ceased to feel as if I quite belonged to myself. A part of the natural identity with my original and essential ego was destroyed forever.

[Editor's Note: "Stefan Zweig was born in Vienna in 1881 of a wealthy and cosmopolitan Jewish family. ... During the years before the First World War Zweig travelled in Europe, America, India, and Africa, writing, collecting, and meeting with most of the eminent figures in the arts. ... In 1934, as the Nazis' power grew in Germany, Zweig left Austria for England, where he became a British citizen in 1940. He took his own life in Petropolis, Brazil in 1942." This excerpt can be found in Zweig's *THE WORLD OF YESTERDAY* (first published 1943), Chapter XVI ("The Agony of Peace"), Section 7 (pp. 408-412 of the University of Nebraska Press Bison Book edition of 1964; and pp. 307-310 of the Atrium Press Limited, Cassell Publishers edition of 1987). ☑

Crushing the Spirit

By Stefan Zweig

The fall of Austria [1938] brought with it a change in my personal life which at first I believed to be a quite unimportant formality: my Austrian passport became void and I had to request an emergency white paper from the English authorities, a passport for the stateless. Often in my cosmopolitan reveries I had imagined how beautiful it would be, how truly in accord with my inmost thoughts, to be stateless, obligated to no one country ... I only understood what this exchange of my passport for an alien's certificate meant in the moment when I was admitted to the English officials after a long wait on the petitioners' bench in an anteroom. An Austrian passport was a symbol of my rights. Every Austrian consul or officer or police officer was in duty bound to issue one to me on demand as a citizen in good standing. But I had to solicit an English certificate. It was a favor I had to ask for, and what is more, a favor that could be withdrawn at any moment. Only yesterday still a visitor from abroad, ... now I had become an immigrant, a 'refugee.' ... [E]very foreign visa on this travel paper had thenceforth to be specially pleaded for, because all countries were suspicious of the 'sort' of people of which I had suddenly become one, of the outlaws, of the men without a country, whom one could not at a pinch pack off and deport to their own State as they could others if they became undesirable or stayed too long. Always I had to think of what an exiled Russian had said to me years ago: 'Formerly man had only a body and soul. Now he needs a passport as well for without it he will not be treated as a human being.'

Indeed, nothing makes us more sensible of the im-

mense relapse into which the world fell after the First World War than the restrictions on man's freedom of movement and the diminution of his civil rights. Before 1914, the earth had belonged to all. People went where they wished and stayed as long as they wished. There were no permits, no visas and it always gives me pleasure to astonish the young by telling them that before 1914 I had traveled from Europe to India and to America without passport and without ever having seen one. One embarked and alighted without questioning or being questioned, one did not have to fill out a single one of the many papers which are required today. ... The humiliations which once had been devised with criminals alone in mind now were imposed upon the traveler, before and during the journey. There had to be photographs from right and left, in profile and full face, one's hair had to be cropped sufficiently to make the ears visible; fingerprints were taken, at first only the thumb but later all ten fingers; furthermore, certificates of health, of vaccination, police certificates of good standing, had to be shown; letters of recommendation were required, invitations to visit a country had to be procured; they asked for the addresses of relatives, for moral and financial guarantees, questionnaires, and forms in triplicate and quadruplicate needed to be filled out, and if only one of this sheaf of papers was missing one was lost.

Petty details, one thinks. And at the first glance it may seem petty in me even to mention them. But our generation has foolishly wasted irretrievable, valuable time on those senseless pettinesses. If I reckon up the many forms I have filled out during these years, declarations on every trip, tax declarations, foreign exchange certificates, border passes, entrance permits, departure permits, registra-

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