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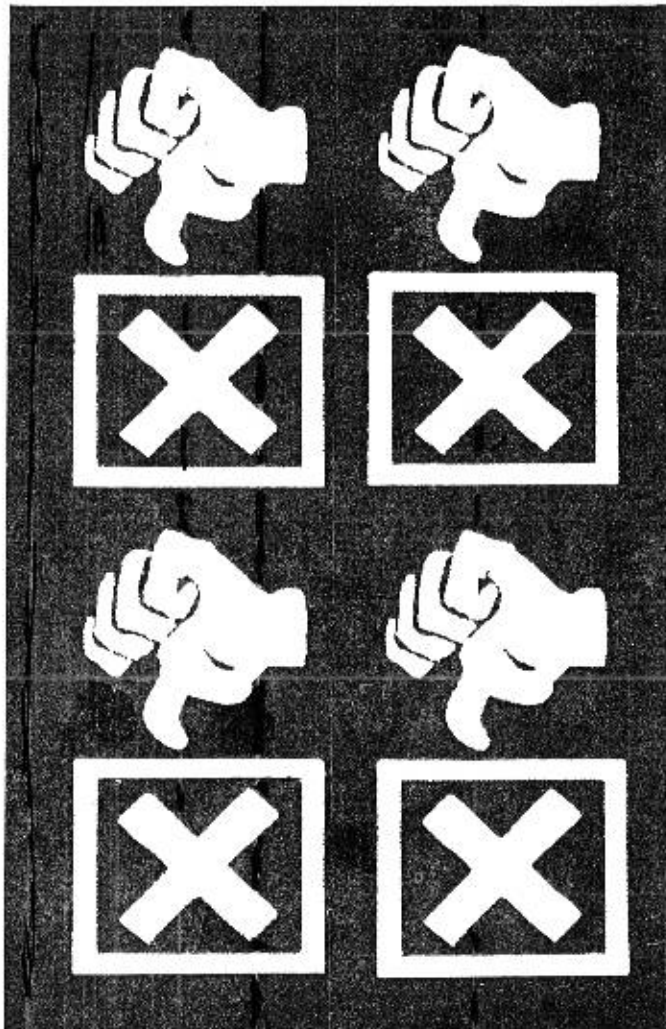
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## The Case Against Electoral Politics

By George Smith

## Soviet Military Power: Not A Big Peril to U.S.

By Robert LeFevre



## RAMPART INDIVIDUALIST

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# PUBLISHER'S NOTE

George Smith's *The Case Against Electoral Politics* came from a debate at the 1983 Voluntaryist Conference in Long Beach, co-sponsored by Rampart Institute. His opponents were Jeffrey Hummel, an anarchist and a member of the California Libertarian Party, and Less Antman, Libertarian Party member and former editor of *Caliber*. Wendy McElroy, a leader in the Voluntaryists, debated on the anti-electoral politics side of the question.

The main issue of the conference—and George Smith brings this out elegantly—is that the Libertarian Party's political effort makes them part of the statist apparatus.

# The Case Against ELECTORAL POLITICS

by George H. Smith

## LIBERTARIANISM & ELECTORAL POLITICS: PRO & CON

Presented: at the Voluntaryist Conference  
at Long Beach State, May 7, 1983

Libertarianism is based on the principle of nonaggression. Any action that is nonaggressive, or does not involve threats of aggression, is compatible with the libertarian ethic.

The compatibility of libertarianism and electoral politics hinges on the application of the nonaggression axiom to political office-holding and voting for prospective office-holders. Does electoral politics involve aggression or threats of aggression? If so, it should be shunned by libertarians. If not, it is morally acceptable.

Political libertarians (i.e., libertarians who defend electoral politics) commonly maintain that one can hold political office without aggressing. A libertarian congressman who votes against all invasive laws does not aggress and is therefore innocent as judged by the nonaggression axiom. And if holding political office is permissible, then so is voting to place libertarians in such office.

The superficial plausibility of this argument is deceptive. It rests on an inadequate examination of the nonaggression axiom. If the nonaggression axiom does not appear to prohibit electoral politics at first glance, the same may be said for many activities which libertarians regard as improper.

Consider, for example, the subject of fraud — which most libertarians agree violates the nonaggression axiom. But it is not immediately apparent why fraud is unlibertarian. Suppose I sell you what I represent as a diamond ring for \$1,000., which turns out to be fake made of glass. Should you have legal recourse to recover your money? Most libertarians say yes. But have I aggressed against you? Have I used force or the threat of force? Maybe I have, but it is not obvious.

I am not suggesting that fraud is compatible with libertarianism. I merely wish to emphasize that the subject of fraud, like most areas of libertarian theory, requires more than invoking the nonaggression axiom. We need a supplemental theory to flesh-out the axiom. We need moral, political, and legal theories to transform the nonaggression axiom into something more than a vague generalization.

A libertarian analysis of fraud depends on a theory of contract. Libertarians generally subscribe to what is called a "title-transfer" theory of contracts. In essence, this theory states that a transfer of titles (valid ownership) must occur in a valid contract. If I sell you a diamond ring for \$1000., I acquire title to the money, and you acquire title to a diamond ring. But if the ring you get is glass, I am withholding a diamond ring from you which you now own; and insofar as I refuse to give you a diamond ring, I am forcibly expropriating your property, just as surely as if I had stolen it from you. I thereby violate the nonaggression axiom.

This example illustrates how libertarian theory relies on far more than a bald assertion of the nonaggression axiom. Many similar examples could be presented. The nonaggression axiom is the *starting point* of libertarianism, but it is *not* an exhaustive statement of its implications.

Theories which elaborate and clarify the nonaggression axiom I shall call supplemental theories. A title-transfer theory of contract is a supplemental theory. Other supplemental theories include the homesteading principle, a theory of restitution, a theory of legitimate self-defense, and so forth. These theories supplement the nonaggression axiom, thereby rendering it workable and precise.

A vital supplemental theory concerns the nature of the State, or government. (I shall use the terms interchangeably for the purposes of this talk.) As many of you know, the debate between anarchism and limited-governmentalism (or minarchism, as Sam Konkin calls it) has raged for years in the libertarian movement. Libertarian anarchists believe that all States necessarily

violate the nonaggression axiom, while minarchists believe that a State limited to defense functions is consistent with the nonaggression axiom. Since the issue of electoral politics concerns libertarians working as members of the State, one's stand on the anarchist-minarchist dispute profoundly affects one's view of political office-holding. Just as a title-transfer theory of contract is inseparable from our perception of fraud as a kind of aggression, so an anarchist theory of the State enables us to grasp how political office-holders contribute, however unintentionally, to the aggressive goals of state power. To the political libertarian who complains that he does not "see" the aggression in holding political office, I would point out that we likewise do not "see" the aggression in fraud. We do not "see" such things with the eyes; we comprehend them with the mind with the aid of supplemental theories.

In the past I have argued that the voluntaryist case against electoral politics applies only to anarchists. This is because the nonaggression axiom needs to be supplemented by the anarchist theory of the State. The voluntaryist argument is unconvincing to a minarchist. He does not believe that political office-holding conflicts with the nonaggression axiom, for the same reason that a libertarian who rejects a title-transfer theory of contract may not believe that fraud conflicts with the nonaggression axiom. Neither adopts the supplemental theory which links the action in question — fraud in one case, electoral politics in the other — to the nonaggression axiom. Thus, the anarchist view of the State is essential to the Voluntaryists case against electoral politics.

## II

The core of anarchism is the claim that State is *necessarily invasive, or invasive per se*. This is also the point of contention between anarchism and minarchism. If the basic institutional purpose of the State is one which could be accomplished by voluntary means, then the State is not necessarily invasive. If one were to argue (however implausibly) that the institutional purpose of the State is to deliver mail, then the fact that existing States use invasive means (taxation and a coercive monopoly) to provide this service would have no direct bearing on the **theoretical question of whether invasive means *must* be employed to accomplish this goal.** A totally voluntary mail service could be established; and if mail delivery is the defining characteristic of the State, then we have the theoretical possibility of a "voluntary State." In this

view, one could push for the elimination of the invasive aspects of the current government until it is pared down to its "proper" function of mail delivery. If we substitute "defense of individual rights" for "mail delivery" (one is as arbitrary as the other), we have the minarchist argument for the possibility of a noninvasive State.

The anarchist rejects the argument that the basic institutional purpose of the State is one which could theoretically be achieved by voluntary means. The anarchist considers the *fundamental* purpose of the State to be territorial sovereignty, and this is inherently invasive. Beginning with the libertarian prohibition of invasive acts, the anarchist adds the insight that the State is invasive *per se*—i.e., it *must* commit invasive acts to fulfill its basic purpose. When the nonaggression premise is applied to this view of the State, the consequence is a total rejection of the State on libertarian grounds. Thus anarchism is more than libertarianism. Anarchism is the nonaggression axiom combined with a particular view of the State.

Fortunately, all the participants this afternoon refer to themselves as libertarian anarchists. We thus share a framework in which to work. I needn't convince Less Antman or Jeff Hummel that the State is invasive *per se*, because they already agree with this statement. Our difference lies in how we assess the implications of anarchist theory for electoral politics.

The anarchist thesis — that the State is invasive *per se* — is an institutional judgement. It attributes an invasive purpose not to every person who joins the State but to the institution itself. Most of the State's members may not *personally* care about, or even know of, arcane subjects like territorial sovereignty. They may work for the State just to make a living. Others may find satisfaction in wielding power, and still others may have the sincere desire to accomplish something worthwhile. Political libertarians usually fall in the latter category. They see themselves as harbingers of freedom. When it is pointed out that their *personal intentions* — why they chose to join the State — are an issue distinct from their *objective role* within the State apparatus; and when it is argued that, insofar as they fulfill their roles as political office-holders, they thereby contribute to the institutional goals of the State, they protest that they do not *personally* aggress against anyone. Short of catching them with a smoking revolver, they claim exemption from the anarchist curse of the State and its agents. (Never mind that the smoking revolver test would exonerate the vast majority of State employees from per-

sonal liability; such inconvenient details are passed over by the political anarchist.)

The political anarchist professes to "hate the State" while avoiding a clear identification of who, or what, constitutes "the State." Understandably, he does not wish to agonize over how to exempt *libertarian* members of the State from his supposed disdain. The political anarchist "hates" the State but seems to "love" the political offices that comprise the State. How the State is anything more than the *combination* of these offices acting in concert, is a mystery.

On several occasions I have used the term "institutional" without explaining what I mean by it. The institutional goal of the State, I said, is territorial sovereignty. I examined institutional analysis in Part Two of my "Ethics of Voting" article (appearing in **The Voluntarist**) in some detail. Unfortunately, I cannot repeat that analysis here. Perhaps the best way to communicate how anarchism is based on institutional analysis is to refer to a topic that is often discussed by libertarians: the question of which governmental jobs an anarchist may hold without violating his principles.

Anarchists frequently distinguish between jobs which are necessarily invasive (tax collection, conscription) and jobs which, though financed coercively at present, would be permissible in a free society (mail delivery, school teaching). This dichotomy presumably answers the question of when anarchists may work for the State. An anarchist could work for the post office, for example, since mail delivery is not inherently invasive; but he could *not* work for the Internal Revenue Service. In deciding whether a libertarian could hold a political office, therefore, we should determine in which of these categories the office belongs.

I have heard this argument many times, though it has not received much attention in print. But the proposed criterion — distinguishing State offices which are invasive per se—creates serious difficulties for the political anarchist.

Consider the argument that anarchists should not work for the Internal Revenue Service because tax collection is invasive per se. Note how this assertion immerses us in institutional analysis. For what does it mean to say that the I.R.S. is "invasive per se"? It does not mean that theft is the personal goal of every I.R.S. employee. Nor does it mean that every I.R.S. employee personally aggresses. The secretary, the file clerk, the accountant, the computer programmer — these and similar I.R.S. jobs do not re-

quire aggression or threats of aggression.

Clearly, when the political anarchist says that the I.R.S. is invasive per se, he means that the *institutional purpose* of the I.R.S. — *the end to which lesser roles contributes* — is invasive per se. So if it is impermissible for anarchists to work for the I.R.S., this is because institutional roles (jobs) in the I.R.S. contribute to its invasive purpose of theft—even though the roles themselves, considered in isolation, do not require personal aggression by all employees.

The same argument applies to employment with the Selective Service, drug enforcement agencies, and so forth. Only a minority of their employees personally aggress. Yet it is generally assumed by political anarchists that working for these invasive agencies violates libertarian principles.

This line of reasoning has devastating implications for political anarchism. An anarchist, it is said, cannot work for the I.R.S. or the Selective Service because these agencies are "invasive per se." *Yet we have seen that the essence of anarchism lies in the claim that State itself is invasive per se.* If the invasive nature of the I.R.S. precludes anarchists working for it, then why doesn't the invasive nature of the State preclude anarchists working for it as well? If anarchists may not hire themselves out to the I.R.S. even if they avoid personal acts of aggression, then neither may they hire themselves out to the State in general — which is also invasive per se — even if they likewise avoid personal acts of aggression.

The political anarchist cannot have it both ways. He cannot invoke the "invasive per se" test with tax collection, conscription, drug enforcement, etc., and yet disregard it for the State in general. The political anarchist has two options: 1) He may deny that the State is invasive per se, thus defining himself out of anarchism; or 2) he may concede that an anarchist may properly work for an agency that is invasive per se so long as the anarchist does not personally aggress.

Neither of these options is very palatable. The first strips the political anarchist of his anarchist credentials, while the second opens a Pandora's box of job opportunities for anarchists. If the political anarchist seriously wishes to defend the *propriety* of anarchists working for the I.R.S., Selective Service, drug enforcement, the C.I.A. — the list goes on and on — then let him make his case.

The political anarchist is thus caught on the horns of a dilemma. He cannot reject the "invasive per se" criterion for the State

while using it for *particular* agencies in the State. He cannot deny institutional objections to political office-holding, or he must champion the legitimacy of anarchist employment in a wide variety of repulsive agencies. The latter is the only option short of capitulation.

### III

The State, like all associations, has an identifiable membership. The institutionalized power of the State is a scarce resource; not everyone can benefit from its use simultaneously. The fierce competition thus generated for the control of State power necessitates membership criteria to restrict entry.

Membership criteria vary according to the form of government. An accident of birth may qualify one for membership in hereditary monarchies and aristocracies. Some forms of aristocracy encouraged the sale of political offices (venal offices"), which could then be transferred like private property. State membership in a democracy is theoretically bestowed by popular election, or by appointment authorized by a duly elected official.

Whatever the membership requirements, an office-holder acquires special privileges (legal rights) denied to the public at large. On the lower levels of State employment, this privilege may be nothing more than a claim on tax revenue in the form of a regular paycheck. As we ascend the hierarchy of power, however, the privileges become more extensive. Higher level office-holders enjoy considerable discretion in the exercise of power. This power may be unlimited, as in despotism, or restricted in some fashion, as in a constitutional republic. But the privileges conferred by State offices always entail legal rights denied to nonmembers.

Political office bestows power on the occupant of the office. Bertrand de Jouvenal (*The Pure Theory of Politics*, Cambridge Univ. Press, 1963, p.118) makes this point in an interesting way:

"In the museum at Corinth there are two statues artistically worthless, which testify to the fashion under Roman rule of setting up a place of vantage the standing figure of the governor. The sculptor has reproduced, with uninspired exactitude, every detail of the military costume borne upon occasions of state by the representative of the *civitas imperans*. Only the head is lacking, nor is it by accident: a hollow between the shoulders reveals grooves

designed for the fitting of a removable head upon the massive body. Thus were the citizens spared the expense of putting up a new statue to honour a new governor: the old face was taken down and a new face was set in its stead. This can serve to symbolize established Authority. The statue has been set up at some previous time and lasts through many generations; but the face must be that of a living and active magistrate. The end of a life, or of a term, removes the transient head from the enduring shoulders. There is now a void to be filled, an opportunity for a new man to lift his head on to the shoulders of the statue...A complex political system comprises many statues, and the procedures for lifting heads on to them are diverse."

The legal rights of high political offices in the United States are determined primarily by the Constitution (including judicial interpretations of the Constitution). We needn't engage in a lengthy argument to show that political privileges thus acquired run contrary to the principles of nonaggression. A reading of the Constitution alone is sufficient. Art. 1, Sect. 10, for example, vests in Congress the power "To lay and collect taxes, duties, imposts and excises...To regulate commerce with foreign nations...To coin money...To establish post offices and post roads...To declare war...To provide for calling forth the militia to execute the laws of the Union," and so forth. To say, as does Art. 1, Sect. 1, that these "powers" are "vested in" Congress, means that the physical might of the State will be used to back up Congressional decisions in these areas should any citizens disobey or resist. Some members of the State, in other words, will call on other members of the State (police, military, etc.) to enforce their will.

Members of Congress have immense power; their decisions are backed by the physical coercion of the State. If my neighbor decides to rob me, it is unlikely that he can enlist the power of the State to assist him. But if a Senator decides to rob me (by voting for a tax bill), the full weight of the State will fall on me should I resist.

Members of the State are thus allied in a common cause; they share an enforcement mechanism whereby their decisions will be enforced at the point of a gun. An office-holder has objective power commensurate with his legal rights. The more privileges he enjoys, the more power he wields. This power exists independently of what he decides to do with it. It exists *prior* to any

action he may take in office, because it is inherent in the office. By the fact that an individual qualifies for an office, he acquires the legal rights of that office.

Legal rights—privileges enforced by the State—exist apart from their exercise, just as natural rights do. A man has a natural right, say, to purchase an aardvark, even though he may never actually purchase an aardvark in his life. The right exists whether he exercises it or not.

Similarly, the office-holder acquires special legal rights which exist independently of their exercise. The Senator, for example, has the legal right to pass tax laws — meaning that the State will back him up if he does so. A particular Senator (e.g., a libertarian) may never actually vote for a tax bill, but he has the legal right nonetheless. The privilege resides in the office.

A person elected to high political office allies himself with the power of leviathan. He voluntarily seeks and successfully achieves the privileges of political office which permit him to aggress against his neighbors — privileges enforced by the State.

Such a person is a dangerous threat to innocent persons everywhere. Not only has he captured a position of immense power, but he also swears an oath of allegiance to the Constitution and accepts payment (i.e., stolen money) for "services rendered." When a person voluntarily seeks and attains invasive power, swears to enforce the rules that maintain his power, and receives a handsome salary to boot, the conclusion is inescapable: this person has become a full-fledged member of the State. He accepts its privileges, pledges his loyalty, and reaps its rewards. The protest of the libertarian office-holder — that he intends to use his power for beneficent ends — is beside the point. His actions speak louder than words. He has joined the "ruling class."

#### IV

In the tradition of Mosca and Pareto, libertarian anarchists embrace a theory of the ruling class based on political, rather than economics, criteria. Those who hold positions of significant political power, according to this view, are members of the "ruling class."

Political anarchists are hard-pressed to reconcile their ruling class theory with their advocacy of political action. Political criteria for the ruling class will include libertarian politicians in their purview. The specific behavior of politicians does not deter-

mine whether they are part of the ruling elite. (A congressman does not leave the ruling class when he votes correctly and re-enters when he votes incorrectly.) Rather, those who hold significant positions of power in the State belong to the ruling class, regardless of what they do with their power. This includes libertarian office-holders.

Ruling class theory is just one of many areas where the political anarchist dodges the implications of his own theories. Sooner or later these issues must be confronted. Is the libertarian congressman objectively a member of the ruling class? If not, why not? If so, then presumably a "ruling class" is not necessarily evil or undesirable by anarchist standards. This, too, requires some explaining.

#### V

Implicit in all theories of anarchism is the contention that individuals other than direct aggressors may be held accountable for aggressive acts. Why is it, for example, that anarchists often impute greatest liability to the highest levels of political decision-making (presidents, legislators, etc.), even though these levels are far removed from physical enforcement?

This is what I call the "paradox of liability." As we ascend the hierarchy of political offices we become more distant from the enforcement arms of government. But we also come closer to those persons who are, in a sense, most responsible for the State's invasive activities. There were more condemnations of President Johnson during the Vietnam War, for example, than of individual bomber pilots.

Perhaps ascribing liability to high political offices is a mistake. Perhaps anarchists should blame only those who literally use physical violence (which would exonerate Hitler, Stalin, and others of their ilk). This approach causes more problems than it solves, however, not the least of which is the gutting of anarchist theory. It is safe to assume that most anarchists subscribe to some version of the liability paradox.

But does this paradox make sense? Should not the person who actually *commits* a crime be more liable than the politician who authorizes or commands it? In a sense, yes. A soldier who kills innocent civilians is guilty of murder, pure and simple. He is fully liable for his action. But the invasion of the individual soldier is relatively limited in scope. He may murder, but he does not determine the *policy* that authorizes murder on a vast scale. This is a

privilege reserved for high political office (in most cases).

In a war crimes trial, President Johnson would not be as liable for a particular murder as the person who physically committed the act. But Johnson shares *some* liability for a vast number of similar acts. His *degree* of liability for a particular murder may be less, but his *range* of liability is far greater.

Consider another example: the tax agent who physically expropriates the property of a tax resister or drags him off to jail. Would congressmen who support taxes be as culpable as the tax agent who actually commits the foul deed? Probably not. They would be accomplices rather than principals. But the congressmen are accomplices to *many* such invasive acts — far more than can be perpetrated by a single agent. Although the degree of liability may be less for the congressmen than for the perpetrator, the scope of liability is far greater.

## VI

The paradox of liability helps us to understand how political offices bolster State sovereignty. High offices are distinguished by their fundamentality and scope. Therefore, we may reasonably expect territorial sovereignty — the fundamental goal of the State — to be embodied in the most powerful offices. This is indeed what we find. The guardianship of State sovereignty is the most significant institutional role of high offices. They are designed to preserve and promote that sovereignty; and this purpose is served regardless of who occupies the office, so long as the occupant meets the demands of his job.

E.T. Hiller, in *A Study in Principles of Sociology* (Harper and Row, 1947, pp. 581-6), describes the relation between offices and the association they comprise:

"Various functions are required to maintain an association and promote its aims. These functions, when standardized, constitute statuses which are usually referred to as offices. An office consists of the delegated administrative, executive, supervisory, and ceremonial functions belonging to an association (whether public or private, official or voluntary). It comprises prescribed, institutionalized duties and comparable rights and privileges . . . The office is an expression of the special aim or aims of the association . . . (I)n each type of association the authority of an office is derived from the aim to which the association is committed, the authority preceeding from the higher to the lower ranking positions . . . An office . . . is an established system of social relations which constitutes a part of the social organization. By entering (an office), the incumbent is required to play the specified part in maintaining the given social structure."

The highest legislative, executive, and judicial offices are the incarnation of sovereignty. This was obvious to the framers of

the Constitution, even if it escapes many political libertarians. Assertions of sovereignty precede the enumeration of powers for each branch of government. To wit:

**Art. I, Sect. 1:** "All legislative powers herein granted shall be vested in a Congress of the United States . . ."

**Art. II, Sect. 1:** "The executive power shall be vested in a President of the United States of America."

**Art. III, Sect. 1:** "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

Note well the wording. "*All* legislative powers," "*The* executive power," "*The* judicial power." An absolute monopoly of these functions is proclaimed at the outset — a monopoly enforced at the point of a gun. No competition can ever be permitted at this level. The State could abandon its monopoly on virtually every "public service" and yet remain a sovereign entity. But it cannot surrender its monopoly of political decision-making without surrendering its sovereign lifeblood.

Major political offices thus embody the basic claim of sovereignty: that members of the State have the sole legal right to rule a certain territory. If power reflects a spirit of arrogance — the impertinence that one person has the right to tell another person how to live — then political office is the body in which that spirit dwells.

Suppose a libertarian Senator votes against every piece of invasive legislation. Can he be held accountable for that legislation, if it passes despite his opposition? No. But that Senator *is* responsible for sustaining State power on a more fundamental, if less obvious, level. In filling his role as Senator — taking his oath of office, exercising his monopoly privilege to decide how we shall be ruled, etc. — he furthers the basic institutional goal of the State: territorial sovereignty. By accepting the framework in which the State operates, by capitulating to its conditions and demands, by voluntarily joining the "ruling class," thereby acquiring legal privileges backed by leviathan—in a myriad of ways does the libertarian politician do all that the State requires of him.

The libertarian politician, brimming with good intentions, believes that he will use the State to further his ends. The sad truth is that the State will use the libertarian politician to further its ends.



## VII

Let me summarize my major arguments to this point. I have criticized anarchist office-holders on two levels. First, on a personal level, political office-holders arrogate to themselves special legal privileges denied to the public in general. The anarchist politician becomes a member of the State; that is, he voluntarily seeks and achieves the power of his office, which means the physical might of the State will crash down on anyone who thwarts the will of the anarchist politician, so long as he follows the procedures required by his office. The anarchist politician allies himself with leviathan.

Moreover, by taking the oath of office, the anarchist politician publicly swears to support the Constitution; and by taking his salary, he garners the monetary benefits conferred by his power (creating, at the very least, a strong vested interest to maintain the status quo).

Any one of these activities — seeking political power, swearing allegiance to the State, taking a State paycheck — would be enough to raise the eyebrows of fellow anarchists. But when the three are combined the conclusion is inescapable: the anarchist politician has declared himself a threat to innocent persons everywhere. By every objective standard, he has become a member of the political ruling class.

Of course, I am aware that rationales have been suggested by political anarchists to justify office-holding. It is said, for instance, that in taking an oath of office, one is only "lying to the State." This is not true — one is declaring one's intentions to the public in general. In addition, it hardly seems a defense to claim that the anarchist politician is lying when he takes the oath of office. This simply means that, in addition to everything else, the anarchist is willing to lie in order to achieve political power. This gives us even less reason to trust him. It may seem a bit naive to insist on a matter of personal integrity when discussing politics, but the anarchist politician, whose first official act is a gigantic lie, is off to less than an auspicious beginning.

My second major objection to electoral politics related to the manner in which political offices preserve the sovereignty of the State. The higher political offices in particular manifest this sovereignty. Just as the State claims a coercive monopoly of legal decision-making within a geographical area, so high political offices claim this monopoly privilege in their respective spheres (a privilege, we should always remember, that is enforced

ed by the power of the State).

Perhaps these objections can be surmounted. But let me add a word of caution. The challenge facing our discussants today, all of whom are anarchists, is not merely to meet these objection, but to meet them in a way that does not demolish the foundations of anarchist theory. One could deny, for example, that the State is invasive per se. This may cast doubt on my arguments, but it would do so by abandoning anarchism in the process. I must insist, therefore, that political anarchists show how their defense of electoral politics is consistent with their professed anarchism. Too often political anarchists offer what I call kamikazee arguments. That is to say, their objections are not really objections to voluntaryism per se, but to various features of anarchist theory. The kamikazee arguments attempt to defend electoral politics by undercutting the foundations of anarchist theory itself. Such a procedure is acceptable from a minarchist, but it is clearly improper for an anarchist.

The voluntaryist and the political anarchist are in the same boat. The problem facing the political anarchist is how to sink the voluntaryist without sinking himself as well. Many political anarchists are oblivious to this problem. They merrily go about their task, drilling hole after hole in the bottom of the boat, not realizing that they are sinking themselves in the process.

My claim is not that it is impossible to justify electoral politics in a manner consistent with anarchist principles. I firmly believe that political anarchists must either abandon their belief in electoral politics, or they must abandon their anarchism.

## VIII

In the time remaining, I should like to discuss the subject of voting. Voting is really a subsidiary issue. We cannot abstract the propriety of voting from the key question of what we are voting for. Obviously, I don't object to voting for Den Mother among a group of Cub Scouts, or the Voting that occurs in any voluntary association, where the results of the vote are confined to those who did the actual voting. The Den Mother has no authority except over those who voluntarily joined the Cub Scouts, and who therefore can quit if they don't care for the election results.

The case with electoral voting, of course, is quite different. The political authority of the elected official extends throughout a predetermined geographical area — this is inherent in the meaning of State sovereignty — without regard to the consent of in-

dividuals in that area. Thus, the political libertarian, in voting for Ed Clark for president, would, if successful, have established the political dominion of Clark over every person in United States, including nonvoters. The indiscriminate nature of political power makes it improper for libertarians to vote, because the vote confers legal privileges upon the victor that no individual possesses and which cannot be transferred to a political favorite. The moral impropriety inherent in political office precludes voting as a means of political change.

Voting is sometimes defended as a measure of self-defense. If the government aggresses against us, and if it provides an opportunity to lessen this aggression through voting, cannot we then vote in self-defense?

Time does not permit a detailed examination of this argument. But I would like to point out a curious feature of the argument. The self-defense plea concedes a major point to the voluntarist side. This plea is necessary only if voting is at least a morally suspect act. Otherwise, what is the point of the plea? Why is it necessary? One need not use it with nonaggressive acts. One need not argue, for instance, that one attended a ball game in "self-defense," or that one purchased a car in "self-defense." Non aggressive acts never require a self-defense plea. Only aggressive acts, or at least highly suspect acts, require this justification. One pleads self-defense in shooting a person, because without this rationale, the act is rightly condemned as aggression. Take an act that is justified as self-defense; remove the self-defense plea, and you have an aggressive act.

If, therefore, voting is to be justified in self-defense, then I ask the political anarchist a key question: What is there about voting which, by your own standards, would render it morally improper if not undertaken in self-defense? The political anarchist who uses the self-defense plea must agree that electoral voting is invasive, except where mitigating circumstances prevail, as in self-defense.

In view of this, it is bewildering to see political anarchists who hold both of the following positions simultaneously: 1) Electoral voting can never constitute aggression, since a voter cannot be held liable for what a politician does while in office. 2) Electoral voting is justifiable for libertarians as an act of self-defense.

The conflict between these two positions is obvious. If electoral voting per se is always nonaggressive, if it is like purchasing a car or attending a ball game, then the self-defense plea is superfluous and misleading. The political anarchist should simp-

ly argue that voting per se is nonaggressive; it requires no further justification. There should be no ifs, ands, or buts. To introduce self-defense is to concede that, in at least some cases, voting does constitute aggression. If this is true, then I invite the political anarchist to explain his theory of how voting may violate the nonaggression axiom, and under what circumstances it is permissible. Here, as in many other cases, the political anarchist presses an argument into service without examining its broader implications for anarchist theory generally.

Political anarchists often display an attitude toward voting which may be described as radical subjectivism. People may objectively inject moral significance into voting, it is argued, but this is purely a subjective matter. Voting has no objective significance. It so happens that the candidate receiving the most votes captures the office, but this is a matter of custom and convention. One can vote without sanctioning the political process in any way. One need not invest it with any significance.

A similar argument is even used with political power itself. The power of office, it is said, exists only in the minds and attitudes of people. It is a subjective matter. Whether this means that political power ceases to exist when one is not thinking about it, or when one is asleep, is not clear. Ultimately, this approach leads to a radical subjectivist theory of the State. Why not say that the State itself is purely a matter of subjective perception? Perhaps then we could adopt a brilliantly effective strategy: we will simply convince people to stop thinking about the State and political power, and they will cease to exist.

In contrast to this radical subjectivism, I maintain that the State does exist as an institution; that the power of political office is a real power, existing objectively; and that voting is essential to the continued functioning and legitimacy of power in democratic States. Voting is not simply the physical act of pulling a lever in a voting booth, nor is it a mere expression of preference. I can build my own booth in my yard with dozens of levers and pull them to my heart's content, but I still have not voted in any political sense. Or I can express my preference in any number of ways, but this does not qualify as political voting. Voting requires an institutional analysis; that is it should be analyzed within the broader context of the State and how it functions.

What gives electoral voting its significance? Two things essentially. First, a charter, written or unwritten, which specifies what we are voting for. (A written charter is usually called a con-

stitution. By an unwritten charter, I mean a legal tradition, such as the English Common Law, which may lack codification.) Secondly, an enforcement mechanism — the State, in the case of electoral voting — which insures that the results of an election will be implemented.

The provisions of a charter may be invasive or noninvasive. A noninvasive charter would be the constitution of a voluntary club, such as the Elks, which gives no invasive jurisdiction to elected officials. An invasive charter would be a governmental constitution which proclaims territorial sovereignty — a compulsory monopoly on legal decision-making in a geographical area. An invasive charter grants the legal right of aggression to its elected officials, with the enforcement mechanism to back them up.

## IX

Does a voter contribute to State aggression? Is a voter liable for the criminal acts of the State? The issue of liability in this case is tricky. Much work remains to be done on a libertarian theory of liability. We don't have a sufficiently detailed theory as yet which permits us to assign liability in complex cases. But we should not assume that every violation of anarchist principles must entail legal liability.

Suppose we find a wealthy man who professes to be a libertarian anarchist. He professes strong agreement with the basic tenets of anarchist theory. But we also discover that this man donates \$5000 every month to the Soviet government. He believes that the Soviet government is doing good work, so he donates this money to use as they see fit.

Is this man in any way liable for the invasive acts of the Soviet government? I doubt if a convincing argument could be made for this. Must we conclude, therefore, that there is no inconsistency whatever between his professed anarchism and his monthly contributions? In his defense he points out that he does not engage in aggression, either directly or vicariously, nor does he advocate aggression, so his contributions are immune to criticism by fellow anarchists.

Consider another hypothetical case. We turn on the television to find Murray Rothbard delivering a public service announcement for the Internal Revenue Service. He is urging Americans to file promptly and to cooperate in paying their taxes. He doesn't endorse the coercive measures of the IRS; he merely pleads for voluntary compliance.

Would we say that Rothbard now becomes liable in some fashion for the invasive acts of the IRS? Again, I strongly doubt it. He neither aggresses nor advocates aggression. But would our assessment of Rothbard as Mr. Libertarian be affected in any way? Yes, obviously. But why? He has not violated the nonaggression axiom; nevertheless, we would feel that Rothbard has betrayed his commitment to anarchist principles.

I could provide many similar illustrations, but the point should be clear. There are many actions which we regard as improper for anarchists, even though they don't technically violate the nonaggression axiom. Given the anarchist condemnation of the State, it is understandable that anarchists are critical of fellow anarchists who seek voluntarily to assist the State in some way, even if that assistance does not entail liability.

How do we assess the rich anarchist who donates money to the Soviet government? We perceive an inconsistency between his stated principles and his actions. If he truly hates the State, then how can he voluntarily contribute to one of the most monstrous and bloody States in history? At the very least we would conclude that he does not understand the implications of his own theories.

We would view Rothbard's public service announcement for the IRS in a similar light. If Rothbard hates the State, then how can he encourage people to further its goals voluntarily? Opposing the State means more than refusing to engage in aggressive activities. It means opposing it at every level, refusing to cooperate with it when possible. And it certainly means *not* encouraging others to cooperate.

Electoral voting, in my judgement, is a form of cooperation with the State. Voting is not compulsory; there are no legal penalties for nonvoting. (If voting were compulsory, then libertarians could plead mitigating circumstances, just as they do today when they are forced to pay taxes.) The fact that some kinds of electoral voting may not impute legal liability, does not mean that voting is therefore a proper activity for anarchists. Encouraging people to vote is like encouraging them to pay their taxes. One may not incur legal liability, but one encourages cooperation with an institution which one professes to despise.

Suppose one votes for a Hitler — a person who promises, as part of his campaign, to commit a variety of criminal acts if elected. Here I think a case might be made for ascribing liability to the persons who voted for him. But suppose one votes for a person whose campaign promises are typically vague. This can-

didate promises to promote the public good, restore our liberties, or whatever. Then, after being elected, this politician votes for higher taxes, military conscription, and so forth. Are his supporters legally liable for these criminal acts? Frankly, I am undecided on this point. But whatever the answer, I think one thing is clear: voters support and perpetuate the system of political power. They aid and abet the State. Whether this makes them legally liable in all cases is an open question. But they're fellow-travelers of the State, who voluntarily participate in the process by which illegitimate power is bestowed. This is not a process that anarchists can participate in with a clear conscience, questions of legal liability aside.

Political anarchists sometimes argue that anarchists can run for political office without in any way sanctioning or defending the electoral process itself. But this claim is open to serious challenge. Suppose a libertarian candidate, Mr. LP, has just been elected to the U.S. Senate. Suppose also that Mr. Voluntaryist attempts forcibly to restrain Mr. LP from going to Washington to occupy his office. Mr. Voluntaryist defends his action as a form of self-defense, because Mr. LP as Senator would constitute a serious threat to innocent Americans. Would the political anarchist a) take Mr. Voluntaryist's side, and defend his right to restrain Mr. LP as an act of self-defense; or b) condemn Mr. Voluntaryist for aggressing against Mr. LP, thereby defending his right of Mr. LP to fill the political office to which he was elected.

It is a safe guess to say that the political anarchist would side with Mr. LP. Since he doesn't think that holding political office per se violates the nonaggression axiom, the political office per se violates the nonaggression axiom, the political anarchist would defend the right of Mr. LP to engage in this nonaggressive activity. Mr. LP's rights are violated if anyone attempts forcibly to prevent him from taking office.

Now let's change the example a bit. Mr. Voluntaryist becomes convinced that the office of Senator is noninvasive, so he decides to go to Washington before Mr. LP and claim the office for himself. He shows up at the office, announces that he, Mr. Voluntaryist, is the new Senator, and attempts to settle in. He plans to show up when the senate convenes to cast votes against invasive legislation.

Now let's apply the previous question to Mr. LP. Would it be morally permissible for Mr. LP to restrain Mr. Voluntaryist from the activity I described? We know, of course, that the State will prevent it, but I wish to know whether this restraint is justified on

libertarian grounds. Would Mr. LP be justified in demanding that Mr. Voluntaryist be evicted from his office in Washington and be forcibly prevented from further usurpations of a similar character? I haven't taken a poll of LP members on this question, but I suspect that a good many of them would answer yes.

But consider what this means. The political anarchist based his initial defense of the right of Mr. LP to the office of senator on the supposedly noninvasive character of this office. But if this alone is sufficient to justify Mr. LP's claim to the office, then it is also sufficient to justify the like claim of any person to the same office (assuming that the rivals intend to use the office in noninvasive ways). The allegedly noninvasive character of the senatorial office would justify a general right of individuals to pursue or hold this kind of office, but cannot justify the special right claimed by Mr. LP to exclude all pretenders. To move from the general right of all persons to engage in noncoercive activities to the exclusive right of a specific person to engage in a particular activity (e.g., the use of a particular item of property) requires a principle of entitlement.

Ultimately, the only principle of entitlement available to the political anarchist in this argument — the only thing that distinguishes Mr. LP from Mr. Voluntaryist — is the fact that the former was duly elected whereas the latter was not. Thus, in defending the exclusive right of Mr. LP to this political office, the political anarchist has no recourse but to defend the moral legitimacy of electoral voting. More specifically, he must defend the position — heretofore shunned by anarchists (and many minarchists) — that electoral voting in its present form bestows special rights (the right to hold office) on the victors, and that these rights may be defended by force in the name of self-defense. Thus is the political anarchist's claim to engage in political activity without lending it moral sanction stripped away.

# SOVIET MILITARY POWER: NOT A BIG PERIL TO U.S.

By Robert LeFevre

I continue to marvel, as the months roll by, at the enormous amount of fear and anxiety the very name of Russia seems to engender in this country. We are being exhorted to rearm, get tough and get ready to take on the Soviets before they can take us on.

Of course, it is impossible to predict the future with accuracy, and one must admit that anything can happen. Thus, no one can say with certainty that a war will ever be launched by the Soviet Union against America. But in the same way, no one can say with certainty that a war will not be launched against us at the direction of Russia.

In aggressive geo-politics, the best we have to go on stems from observing what has happened in the past.

There can be no doubt at all about the eagerness with which the Soviet Union intrudes into various countries with its propaganda and its political manipulations. The government of Russia is actively engaged in trying to win friends and influence people the world around.

Further, its skills are unsurpassed in stimulating hope among the hoi polloi that a change of policy in favor of world socialism

will cure all ills. The masses love to believe this because it eliminates further celebration, and responsibility is shifted to others. And it sounds so good!

But would someone please show me the great military genius of the Russian people? I have yet to detect it.

The Russian government has been quick to roll in the tanks and try to win absolute subservience to overt brutality. But the Russian people aren't more militaristically inclined than Americans.

If you tell me that the tanks did the job in Czechoslovakia, I'll have to remind you that that country had been totally disarmed, and was already occupied. Even so, the Russians had their problems.

When the same ploy was made in Afghanistan, a country yet to experience the Industrial Revolution, and where Russians were already in positions of control over the government, the military bogged down in a hopeless duel between the mighty Russian army and a handful of mountain men supplied with goat's milk and a will to fight.

Why haven't the Russians rolled their tanks into Poland? Goodness knows the tanks have been on the border ready to cross for some time. I have my own idea and no one has to agree, but I suspect that the Russians, with all their arms, are afraid of the Poles.

I'm not sure they're not fearful that we'll attack them. We've had lots of opportunity and aren't going to do anything that stupid. (I hope!) But the Poles have a courage that begs description.

So the Russian rubber stamps in Warsaw and Gdansk are walking a chalk line and the Russians are just cagey enough to know that their own tanks would probably be defeated by barehanded, bareknuckled Poles. Where is their military prowess?

What about what happened in World War II? The same thing occurred that happened during the Napoleonic war. The Russian government retreated in front of the conquering Nazi (Napoleonic) armies, feeding them men and territory and letting the Russian winter do the job.

If you wish to go back even deeper into history, don't begin telling me about the marvelous military genius named Ghengis Khan who came through Russia, threatening even Christendom. The "Golden Horde" came through Russia because it arose in Mongolia and its leaders weren't Russians. Indeed, the Russians were its victims.

That is what I see across the historic record. The Russian governments and the Russian people have not been militarists. That the American people should be bordering on paranoia in terror and dread over the military might of Russia is beyond reason.

Based on history, if one has a yearning to be frightened, one can shiver in fear of the British, the French, the Germans, the Spanish, the Japanese, as well as the Americans. These are the people who have gone around the world in a bellicose vein.

True, in the most recent fighting, Japanese and Americans have been defeated, so we shouldn't be afraid of them. But why tremble at the Russians? They've never won anything by military might alone. Intrigue, propaganda, and political manipulations are their specialties.

There's something else that needs to be said, in view of the hawkish cast which provides the aura for the current American administration.

Bad ideas (and communism is a bundle of them) are never eliminated by killing people who have them. When a person is killed because of his beliefs (however unworthy or impractical his beliefs may be), the effect is like the sudden spreading of pollen. Bad ideas are put to death in far less dramatic manner. They are quietly tucked away in the presence of better ideas.

What I have seen happening in the U.S. is this: A man claiming a wish to reduce the size of government and cut taxes has moved into a position of power where he is trying to increase the military (the enforcement arm of government) and increase the amount of money spent in that direction.

The complete contradiction between declared objective and performance arises (I am told) because of the fear that Russia is more competent or is becoming more competent in a military way than we are.

Military Russia, like Japan, can't win by force. Now wouldn't it be silly to let Russia scare us into a position Soviet military prowess could never force us to assume?

LeFevre is a libertarian philosopher and author. He was the founder of Rampart College in the 1950's.

## **RESPONSIBILITY: IT'S CONDITIONED, NOT TAUGHT LIKE MATH**

**By Butler D. Shaffer**

I recently attended a conference at which a number of participants declared, with self-assured pride, that the purpose of school systems (and their purposes as parents) was to help children learn how to be "autonomous" persons. Formal education helped children to live "self-controlling" and "free" lives, they urged with great enthusiasm.

I tired of this babbling and decided that if I could not put a stop to it altogether, I might at least remove from the babblers' minds the comfort that comes from not having assumptions questioned.

"It seems clear to me," I began, "that children are already quite autonomous, and it is precisely that autonomy that parents and schools seek to overcome. We don't want our children to be independent and self-controlling, so we subject them to a very rigid form of conditioning to force them to become what we (i.e., parents, schools, the Political State, and the rest of the institutional order) want them to become."

"But," intoned one of the babblers, "autonomy doesn't mean doing just what you decide you want to do: it means learning how to be a 'responsible' human being. Children," he went on, "must be compelled to learn this sense of responsibility so that they

may become free, autonomous persons."

"But people—including children—are responsible for their actions by virtue of the fact that they, alone, control their behavior," I said. "Responsibility is a fact, not a belief to be taught. What you mean is that children must have their minds so conditioned that they learn, as did you, to want society as it is, and be so trained that they will 'voluntarily' act in a manner consistent with institutional interests and expectations.

"How," I went on, "can you possibly speak of forcing people to be autonomous? How can people be compelled to develop free minds?"

At that point, the babblers decided to shift their attentions to another topic.

Our institutionalized, politically-structured world is dependent for its existence upon our embracing—without much question—a network of interrelated myths. Among these is the myth that social order is the product of strong, institutional authority imposed upon wild and uncooperative human nature. Another is the myth that these institutions—including schools—exist to serve our personal and social interests. Schools, most people seem to believe, exist to help children learn about the world as it is, and to develop the skills to deal with that world.

People who share this view tend to believe that more education, more knowledge, more information, is the route to overcoming personal and social problems. Many say formal education leads to greater awareness and understanding, and makes one more capable of living a happy, productive, rational life.

It is my experience, after many years in academic and other intellectual circles, that there is no correlation between formal knowledge and the ability to understand and function within the world. I find intellectuals and academicians every bit as subject to confusion and neurotic behavior as grade-school dropouts; perhaps more so. That psychiatry is among the leading job categories in the incidence of suicide and drug addiction should dispel any delusions about the relationship between formal education and the pursuit of happy, rational lives.

None of this is to minimize the value that many schools have provided in helping students learn to be self-directed and aware persons. In contrast to public schools and schools for religious indoctrination, however, the better schools operate on the premise of helping the student learn for his or her own sake, and not for the purpose of conditioning the mind of the student into institutionally compliant attitudes and behavior.

I don't recall whether it was Hitler or Mussolini who said, in

essence, "give me the minds of children for ten years and I will control society." Though the public relations image has been to the contrary, public schools and church-run schools have operated from an identical premise. They have long understood what my co-participants at this conference understood, namely, that only by thoroughly conditioning and structuring the minds of young children can human beings learn to become "autonomous" adults.

Therein, however, lies not autonomy and freedom, but the skilled obedience of the circus animal who knows how to perform on command, and deludes itself with the thought that, in receiving a regular morsel of food each time it rolls over or sits up, it is controlling the tamer. Such a perception leads, as well, to the conviction that leg chains, cages and armed guards have all been provided to secure and protect the interests of the animals.

Butler Shaffer teaches law at Southwestern University, Los Angeles.

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