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Juggernaut*  
By Alan P. Koontz

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## **PUBLISHER'S NOTE**

In his first published work on libertarianism, Alan P. Koontz takes a somewhat unconventional approach to the foundation of libertarianism and morality. Far too often libertarians side-step morality, basing morality on whether an aggressive act has been committed. But, according to Koontz, the morality issue behind libertarianism is being overlooked because most libertarians have ill-conceived the definition of aggression.

# THE NONAGGRESSION JUGGERNAUT

By Alan P. Koontz

The appeal of libertarian doctrine is the elegance of its axiomatic foundation. Without exception, it can be summed up in one word—*liberty*. More specifically, the libertarian doctrine is derived from a single natural principle known as *the right of self-ownership, or the self-ownership axiom*. The most fundamental derivation from this axiom is the corollary having to do with the right to stake out a claim in unclaimed property outside oneself. There seems to be a consensus in the libertarian literature, that the basic implication of these two propositions is the so-called *nonaggression principle*, which not only reveals what is immoral (and therefore what is moral) human interaction, but actually governs, one way or another, human interaction ensuring that it tends to be moral. In the course of this paper it will be seen that there is *no* such principle which can ensure moral human interaction through governance. It will become evident that the only way human interaction will tend to be moral, will be through the appeal of a moral principle which is unequivocal in the minds of the individual actors. Certainly, the most elegant moral principle has to be the most unequivocal. The moral principle which, in fact, is consistent with the two basic libertarian propositions, turns out to be the most elegant.

## THE NONAGGRESSION PRINCIPLE

In much of the libertarian literature the proposition known as *the nonaggression principle* holds that the initiation of aggression is wrong. However, in a very well known libertarian tract, "aggression is defined as the *initiation* of the use or threat of physical violence against the person or property of anyone else." (Murray N. Rothbard, *For a New Liberty*, Collier Books 1978, p. 23) The key word here is *initiation*, which in this context means *beginning*. Aggression cannot be anything *but* initiated, according to this definition. If the principle says that the initiation of aggression is wrong, then why not simply state that aggression is wrong?

According to Murray Rothbard, the nonaggression principle maintains, *that no man or group of men may aggress against the person or property of anyone else*. (Idem) In other words, aggression is wrong according to this principle. (In the case of injury due to accidents, the negligent party, if there is one, is the aggressor—thus putting negligence in the category of a wrong.) If Rothbard's definition of aggression is incorporated into this principle, it would read as follows: *That no man, or group of men, may initiate the use or threat of physical violence against the person or property of anyone else*. Now the word *initiate* appears in the principle, but without the word *aggression*. The use or threat of physical violence against the person or property of another, may be said to be the application of force in order to compel one to do or give up something against his or her will. By definition, to force another to act in a given manner, or to compel by pressure or threat, is to *coerce*. Therefore, a more refined definition of aggression would be: *the initiation of coercion against the person or property of anyone else*. Incorporating this refinement into Rothbard's version of the nonaggression principle, it would read as follows: *That no man, or group of men, may initiate coercion against the person or property of anyone else*. This, then, is the nonaggression principle under consideration in the following pages.

## THE NONAGGRESSION DOCTRINE

The nonaggression principle says that the initiation of coercion in human interaction is wrong—which is to say that coercion per se is *not* wrong. It would not be wrong to compel someone to do or give up something against his or her will, as long as it was not initiatory. Any form of coercion that is not initiatory, could not be classified as aggression, as defined here (and there

is nothing exceptional about this definition). Such coercion, perforce, must be a reply or response to *initiated* coercion, otherwise it is aggression.

There are three possible categories of coercion that are, by definition, noninitiatory: *defense*, *retaliation*, and *punishment*. Each of these three categories is a response to aggression; and, according to the nonaggression principle, any coercive response to aggression is justifiable. Therefore, acts of coercion falling into any of these three categories, is just.

The first category of noninitiatory coercion, defense, has to do with any actions taken by the victim of an aggression to abort the aggression while it is still in progress. "It relates to the 'hot encounter' period."

*Example: The householder has installed a lock, but it is ineffective and the burglar breaks in. The householder now confronts the burglar and takes steps to motivate him to leave. Obviously, if the burglar had not broken in, such steps would not be necessary. Whatever these steps may be, they can be classified as defense. They might be argument, threat, a show of force, or the application of force. (Robert LeFevre, The Libertarian, Pine Tree Press, p. 40)*

As is evident in this example, not all actions falling into the category of defense are coercive. However, all defensive actions are noninitiatory. Therefore, all coercive actions which can be categorized as defense are justifiable according to the nonaggression principle.

The second and third categories of noninitiatory coercion, retaliation and punishment, have to do with certain actions in response to aggression after it has occurred. It is possible (and most often the case) that one may not have the opportunity, or may not wish to respond to aggression while it is in progress. Having passed up the defense option permitted by the nonaggression principle, he or she may still wish to exercise either of the two other permissible options.

Coercive actions, falling into the category of retaliation, may be fairly described as responses in kind to the aggressor in question. There is nothing in the nonaggression principle that says that such responses need be in kind. The response may be very much in excess of the aggression, without exceeding the moral boundary of the principle. However, the victim may just want to restore things to their original state before the aggression occurred. Such restorative action falls into the subcategory of

retaliation known as restitution. Of course, restitution is an option justifiable by the nonaggression principle where it is possible.

*But it is important to point out that restitution is only possible when minor crimes are under consideration. There is no possible way of obtaining restitution for serious crimes. Assume that someone has been killed by an intruder. How do you get that life returned? Assume a kidnapping, a rape, or criminal arson. How do you put it back as it was before? You cannot. You are left to wreak vengeance upon the person or property of the criminal. (Ibid., p. 42)*

The final category of noninitiatory coercion or coercive response to aggression, punishment, may be fairly defined as the "rightful" transfer of the self-ownership of the aggressor to his or her victim. The transfer does not actually occur unless the victim chooses the option of punishment for his or her aggressor. Having chosen this option, the victim may dispose of the aggressor as he or she sees fit—much like any other piece of property the victim happens to own. Since this final category amounts to coercive *carte blanche* for the victim with respect to his or her aggressor, arbitrary boundaries are usually drawn limiting what the victim actually may do on a case by case basis, e.g.: the proportional theory of punishment.

On the other hand, there is nothing in the nonaggression principle that says the victim of aggression cannot delegate the task of noninitiatory coercion to a third party. In most cases a victim would find it more economical to hire a specialist in whatever form of retribution he or she wants to carry out. Whatever the reason may be, by being delegated the task the hired party assumes the "right" of the victim to coerce the aggressor in question.

The State as a third party is ruled out by the principle, however, for it is deemed unjustifiable by virtue of its being an aggressor itself (or an agency of aggression). The compulsory levy known as taxation, on which the State depends for its existence, is not levied in response to any aggression from the subjects of the State. Therefore, taxation fails to fit any of the three categories of noninitiatory coercion. Taxation is wrong, then, because it is initiatory coercion. Taxation is also known as the "political means" by which the State manages to survive.

The victim of aggression may delegate his or her right to retribution to a third party which depends, not on the political means, but on the economic means to survive. By definition,

such a third party (be it an individual or a company) could not compel anyone to be its client or customer, unlike the State. A third party of this type must compete in the marketplace in order to attract its clientele. With this provision, the victim may draw on whatever resources (or tools) are available in the marketplace to carry out noninitiatory coercion against his or her aggressor.

Thus it is permissible for an individual, or whole companies of individuals, to acquire the "right" to carry out noninitiatory coercion, even though none of these individuals was a victim of the aggression in question. In the case of a company of individuals, this would, in a vicarious sense, include everyone that makes up the company—even the clerks in the mailroom. All of these individuals, no matter how specialized their task in the company, contribute something toward the service the company provides. But delegation to a company does not have to end with the mailroom clerk. There is nothing in the nonaggression principle to prevent the company from delegating part of the work done toward the service it provides, to other companies or individuals outside the company with whom it chooses to subcontract. And these subcontractors could, in turn, subcontract. It is conceivable that not only the victim, but everyone else, would be permitted to carry out the noninitiation of coercion against the aggressor.

#### WHENCE THE NONAGGRESSION PRINCIPLE

Libertarian theorists have argued that the nonaggression principle stems from the right of self-ownership and the right to stake out a claim in unclaimed property. These rights, in turn, are not simply assumed to exist, but actually have a natural basis.

Each human being is naturally free in the existential sense that only he or she can exercise *absolute* dominion and control over the actions in which that individual engages, and thus over the mind and body which issues in those actions. Moreover, it is necessary for the survival and prosperity of each human being that he or she be able to exercise such dominion and control to the fullest extent allowed by nature. Ownership may be fairly defined as the absolute dominion and control over a thing. Thus it is each individual's ownership of his or her mind and body, and the actions thereof, that is so essential to the human being. It is a natural fact that the proper owner of an individual is *that* individual. This natural right is what is generally known as *the self-ownership axiom*.

Just as ownership of oneself is a natural fact of human existence, so is ownership of property outside oneself. This is due to

the nature of property and the indispensibility of property to human existence.

The nature of property is such that it is subject to ownership. Property is capable of being bounded and controlled by only one independent entity at a time. However, property as such, provides no evidence of ownership—only the possibility of ownership. It is, rather, the property *claim* which is the evidence of ownership. The property claim is substantiated by the creation of a property boundary, which is not necessarily tangible, but is, nevertheless, recognizable.

The natural right of self-ownership gives one a title to life, but in order to live one must establish ownership in property. The decision to establish ownership in property is a right of self-ownership. This decision takes the form of a property claim, which changes the invisible relationship between the claimer and the property, into something recognizable. Ownership is established between the claimer and the property, once the property claim has been staked out.

The decision to establish ownership in property is a natural right of the claimer, according to the self-ownership axiom. For the same reason, the decision on the disposition of property in which ownership is established, is also the natural right exclusively of the owner. For anyone other than the owner to decide on the disposition of a property in question, without the owner's permission, is to usurp the owner's natural right to make the decision. This usurpation amounts to a claim jump on the part of the usurper that is, indeed, a wrongful act. The act violates not only the property, but, more fundamentally, the *ownership* established between the owner and the property according to the self-ownership axiom. (The general theory of ownership propounded here was pointed out to this writer by Robert LeFevre, who may very well have been the first to articulate it. This general theory, unlike the labor theory of ownership, takes into account the ownership of things not man-made or modified, and denies the basis of Karl Marx's theory of ownership, viz., the labor theory of value.

There are, then, two forms of ownership, viz., rightful and wrongful. The rightful owner of property is known as a proprietor. The wrongful owner of property goes by various names, according to the nature of the property and the form of usurpation: thief, robber, burglar, arsonist, rapist, murderer, slaveholder, government, etc. Rightful ownership can be established by one of two ways: either by staking out a claim in unclaimed property, or by transfer from the current owner with his or her permission. Any

other manner of establishing ownership has no basis in nature and is, therefore, a crime. Indeed, no one has any natural right whatsoever to the ownership of property established in a criminal manner.

The self-ownership axiom establishes what are natural rights, but how is an individual compelled to act without exceeding his or her natural rights? Carl Watner has shown that the libertarian theorist, Lysander Spooner, had best articulated the principle of natural justice (or proprietary theory of justice) that governs human interaction. (Carl Watner, *The Proprietary Theory of Justice*, JLS, VI, no. 3-4, pp. 298-316) According to Spooner, there are immutable laws of nature arising from the natural rights of man. By law he meant:

*"...that natural, permanent, unalterable principle, which GOVERNS any particular thing or class of things...Law...applied to any object or thing whatever, signifies a natural, unalterable, universal principle, GOVERNING such object or thing. Any rule, not existing in the nature of things, or that is not permanent, universal and inflexible in its application, is no law. (Lysander Spooner, *The Unconstitutionality of Slavery*, 1860, pp. 5-6)*

*...if justice be a natural principle, then it is necessarily an immutable one; and can no more be changed—by any power inferior to that which established it—than can the law of gravitation, the laws of light, the principles of mathematics, or any other natural law or principle whatever. (Spooner, *Natural Law*, 1882, p. 11)*

The laws of physical science describe how the objects of physical science *will* interact. Granted that all laws are immutable, universal, etc., by virtue of being bestowed by nature and not by man, do the laws of moral science, like the laws of physical science, describe how the objects of moral science *will* interact? Are the same natural forces which cause the objects of physical science to interact as they do, at work in the same way on the objects of moral science? Is moral human interaction determined by the forces of, say, gravity or electromagnetic radiation? At one time, the natural law of the physical sciences was viewed as a command imposed by the Deity on matter. On the question of morality Robert LeFevre points out that:

*...it is significant that nature, qua nature, provides we humans with no visible evidence of cause and effect respecting our own view of the "good" and the "bad."*

*The overarching view of religion has probably served to influence thinking and research in this area. What savants and*

*scholars have sought to find was something in nature which would react to man's "immoral" (unacceptable) behavior.*

*Here is a man who spends his life, cheating, stealing, and robbing others. Is there something in nature which decrees that sooner or later he will suffer for these negative and unwanted actions? Studies indicate that there is no natural retaliation [i.e., natural forces governing moral behavior]. (LeFevre, *Moral Law*, **RAMPART INDIVIDUALIST**, Winter 1983, p. 15)*

Does Spooner think the objects of moral science, like the objects of physical science, *will* interact invariably according to the laws of the respective science? The answer to this question may be found in the distinction he makes between moral duties and legal duties:

*[moral duties are] duties, of which each man must be his own judge, in each particular case, as to whether and how, and how far, he can, or will perform them. But of his legal duty—that is, of his duty to live honestly towards his fellow men—his fellow men not only may judge, but, for their own protection, must judge. And, if need be, they may rightfully compel him to perform it. They may do this, acting singly, or in concert. They may do it on the instant, as the necessity arises, or deliberately and systematically, if they prefer to do so, and the exigency will admit of it. (Spooner, *Natural Law*, p. 6)*

According to Spooner, then, the objects of moral science **must** interact according to the laws of moral science. He evidently recognized that these objects, viz., people, unlike the objects of physical science, each has a free will. (As further evidence, Spooner was professedly a Sadducee.)

The actions of an individual are determined by his or her choices and not by natural forces. People will *not* interact invariably according to the laws of moral science as a result of natural forces, but as a result of choice. But what is a law if it is not something necessarily obeyed? The fact that moral laws exist and are as immutable, universal, etc., as the physical laws, means that they have to be obeyed. If people will not obey moral laws as invariably as an atom obeys physical laws, then they *must* obey them. Since there are no natural forces which compel people to obey moral laws, people have to compel people to obey them. Moreover, people have a *right* to compel people to obey moral laws. Thus we have Spooner's notion of legal duty, as distinguished from moral duty. This notion is known in libertarian circles as the *nonaggression principle*.

## WHITHER THE NONAGGRESSION PRINCIPLE

The nonaggression principle is, supposedly, a reflection of the natural law which governs human interaction so that the absolute rights of each individual are not violated or denied. It is embodied in one negative dictum, and that is, that nobody may initiate coercion against the person or property of anybody else. Since coercion is qualified by the word *initiate*, there is a provision in the principle allowing coercion in certain cases. This allowance is made for those cases where individuals must be compelled to respect the absolute rights of others when they choose to deviate from such respect for whatever reason. It implies that there are no divine or natural forces regulating human interaction so that justice is maintained. Individuals have free wills and are thus capable of deviating from what is just. Therefore, humans must be able to regulate human interaction so that justice is maintained. In the absence of natural justice, there is a provision for human justice whereby justice is maintained through intimidation or violence in the name of natural law. (For example, man has devised the electric chair for lack of a lightning bolt that smotes wrongdoers.) However, as Spooner points out:

*Although it is the right of anybody and everybody...to repel injustice, and compel justice...yet to avoid the errors that are liable to result from haste and passion, and that everybody, who desires it, may rest secure in the assurance of protection without resort to force, it is evidently desirable that men should associate, so far as they freely and voluntarily can do so, for the maintenance of justice among themselves, and for mutual protection against other wrongdoers. It is also in the highest degree desirable that they should agree upon some plan or system of judicial proceedings, which, in the trial of causes, should secure caution, deliberation, thorough investigation, and as far as possible, freedom from every influence but the single desire to do justice. (Ibid., p. 7)*

The association Spooner desired would maintain justice on behalf of its members, and mutual protection against outside violators of natural rights, by real intimidation or violence. The coercive power of this association bestowed by its membership should not be allowed to exceed what would be necessary to carry natural law into effect. To use such power to carry anything other than natural law into effect, would be arbitrary coercion—and thus aggression. Spooner, therefore, urged that the association itself be regulated by some sort of checks and

balances so that, in carrying out its task, it would remain free "from every influence but the single desire to do justice." After all, such an association would be no more subject to natural or divine regulating forces than the individuals which comprise it.

The business of the association Spooner desired was supposed to be the only business of a government.

*...in order that the contract of government may be valid and lawful, it must purport to authorize nothing inconsistent with natural justice, and men's natural rights. It cannot lawfully authorize government to destroy or take from men their natural rights: for natural rights are inalienable, and can no more be surrendered to government—which is but an association of individuals—than to a single individual. They are a necessary attribute of man's nature; and he can no more part with them—to government of anybody else—than with his nature itself. But the contract of government may lawfully authorize the adoption of means—not inconsistent with natural justice—for the better protection of men's natural rights. And this is the legitimate and true object of government. (Spooner, *The Unconstitutionality of Slavery*, p. 8)*

But all known governments have not limited themselves to the business of carrying natural law into effect. They have invariably gone beyond that limit, using their power to coerce in order to enforce obedience to their legislation.

*What, then, is legislation? It is an assumption by one man, or body of men, of absolute, irresponsible dominion over all other men, whom they can subject to their power. It is the assumption by one man, or body of men, of a right to subject all other men to their will and service. It is the assumption by one man, or body of men, of a right to abolish outright all other natural rights, all the natural liberty of all other men; to make all other men their slaves; to arbitrarily dictate to all other men what they may, and may not, be. It is, in short, the assumption of right to banish the principle of justice itself, from off the earth, and set up their own personal will, pleasure, and interest in its place. All this, and nothing less, is involved in the very idea that there can be any such thing as human legislation that is obligatory upon those upon whom it is imposed. (Spooner, *Natural Law*, p. 20)*

Indeed, all known governments have been nothing more than highly organized gangs of banditti, basing their existence—not on customers through voluntary exchange—but on victims through the use of coercion. The question, really, is not what is wrong with all known governments, but how did any gang of ban-

ditti end up as a government? In order for a gang of banditti to gain acceptance among its victims, there has to be some logical, or seemingly logical, justification for the use of force or coercion. The only known attempt at logical justification for the use of coercion is found in the nonaggression principle. This principle gives an individual, or group of individuals, the *right* to use noninitiatory coercion in the name of natural law. If people are made to be firm believers in the legitimacy of any kind of coercion, then the door opens for the legitimate gang of banditti, more commonly known as *government*. Once the gang becomes a government, that is, once it is able to use coercion "and sustain the aura of rightness in so doing,"—as LeFevre puts it (*To Catch a Thief, LeFevre's Journal*, Summer 1975, p. 6)—the gang gradually becomes an institution based on coercion: a monopoly commonly known as the State, but which this writer prefers to call *the car of Juggernaut*.

### THE NONAGGRESSION PARADOX

Natural rights are inalienable rights having been bestowed by nature, and not by man. Therefore, it is *never* right for an individual, or group of individuals, to deny these rights. The nonaggression principle which holds that nobody may aggress against the person or property of anybody else, supposedly codifies the limits of each individual's natural rights. Aggression is an action which goes beyond what are an individual's natural rights.

How does the act of aggression go beyond what are an individual's natural rights? Aggression is the initiation of coercion. Coercion is the control of the person or property of someone, against that person's will—i.e., by real intimidation or violence. One who coerces another, is, in effect, exercising ownership of the person or property of another against the other's will. In this light, a more telling definition of coercion would be: *the forced transfer of ownership of a person and/or thing*. According to the self-ownership axiom, ownership of anything established by force is based on means contrary to what is legitimate. It is clear, then, that what is wrong with aggression is that it entails coercion. Coercion denies natural ownership rights by going beyond natural ownership rights, regardless of whether it is initiated or not.

As pointed out above, however, the nonaggression principle rules out as criminal, initiated coercion only, and thus makes a provision for noninitiated coercion. By implication, it says that one may (and, indeed, has a *right* to) transfer forcefully the person or property of another, if the other person tries to do the

same to him or her. If it is a natural fact that one ever has the right to coerce another, then the contrary rights based on the self-ownership axiom are not absolute, inalienable, universal, etc.,—i.e., *natural*. In point of fact, the nonaggression principle mixes together opposing rights. It establishes, on the one hand—through its connection with the basic axiom—that nobody has a right to acquire anything forcefully; but on the other hand, establishes that anyone has the right to acquire anything forcefully. For example, the nonaggression principle ostensibly is a denial of the property ownership right of anyone in anything acquired by theft. However, as it is possible to acquire property in the manner of a thief, without violating the nonaggression principle thereby becoming the rightful owner of that property, the nonaggression principle is also, in effect, a defense of the property ownership of the thief. Since both rights cannot exist at the same time, the nonaggression principle must be null and void. As such, the nonaggression principle does not satisfy Spooner's own definition of law.

### THE RIGHT DIVINE

The actions of the criminal and the actions of the State are the same in that they are both effected against the will of their respective victims. The only difference between the criminal and the State is that the actions of the former are considered wrong, whereas the actions of the latter are considered right.

The self-ownership axiom acknowledges the natural fact that each individual is self-motivated, and, therefore, is always responsible for his or her purposive actions. There are no forces in nature, nor is there a divine will, that cause the individual to act a certain way according to this axiom. Therefore, any individual who can be held responsible for his contribution to the coercion of another is deemed a criminal for such acts.

In order for an individual not to be deemed a criminal due to his or her coercive actions, he or she must not be held responsible for them. As a matter of fact, any individual who is not held responsible for his contribution to the coercion of another, is one who is deemed a minister of the State. (The State, of course, has the power to deem others irresponsible.) A ministerial act is defined as *an act which is a necessary part of an official's duty, so that the agent is exempt from responsibility for its consequences*. The minister of the State thus has the leeway to fulfill what Spooner calls *legal duty*. As an agent acting in the name of law—be it divine, natural, or positive—the minister is *exempt*



from responsibility for any coercion he or she may apply against another. (The hooded hangman is the perfect symbol of irresponsible coercion.)

By definition, one who is *exempt* is one who is free from an obligation or duty required of others. Spooner's notion of legal duty is that such a duty or obligation is required of every individual. However, any person who may compel others to obey (natural) law, must somehow be exempt from his or her own legal obligation in order to do so. (In point of law, what Spooner called *legal duty*, entails what is actually known as *ministerial duty*, to wit: *An official duty wherein the officer has no room for the exercise of discretion, official OR OTHERWISE—the performance being required by direct and positive command of the law.* This exemption was once held as the divine right of kings, who could, in turn, delegate this right to their ministers. In the era of the modern State it is the right of the State to be so exempted. The king was the intermediary of divine will, and thus was not held responsible for his actions. The modern State is the intermediary of laws of whatever source, and thus is not held responsible for its actions.

That the exemption in question was once held as a divine right is significant. The person who claimed such a right must have realized that no such right existed in nature. In order to legitimize his or her criminal actions in his or her victims' minds, he or she had to resort to the mystical notion that he or she was the earthly medium of a divine will. Phenomena of a more secular age, modern States make no pretence about being agents of a divine will (with the possible exception of some of their functionaries). They, for the most part, rather invoke the so-called *will of the people* to justify their actions—pointing to the institution of political voting (a creation of the State) as evidence of such a collective will. However, the right vested in modern States is no different, in substance, from the right vested exclusively in kings, and is, therefore, no less divine or mystical.

### THE CREED OF FORCE

The question is, why have the subjects—victims of coercion—granted the king or modern State the divine right in question? The most likely reason is that most people believe that without the facility to *enforce* moral behavior, there would be no moral order. According to theology, man was born fallen and will remain so until redemption. In the meantime, people find the facility they feel is necessary to maintain order, in the form of a

government of one kind or another, whose permanence and sovereignty is secured by coercion. With this permanent facility to enforce moral behavior, it is supposed that moral law is made known to all concerned. But, as Spooner pointed out:

*There are natural sentiments of justice, rectitude and virtue, in men's minds, which, when directly appealed to as motives to action, are generally found capable of being cultivated and strengthened, and of controlling the conduct of any of mankind. There are few (if indeed there are any), men, who cannot be persuaded to do what is right, by having it urged upon them that it is right; and there are but few men, who cannot, in any particular case whatever, be dissuaded from a wrong action, by having it urged upon them that it is wrong. (Spooner, *The Deist's Reply...*, 1836, p.17)*

Moreover, the fact that this facility is granted an *exemption* to use force, and the fact that most people support this facility, are clear indications that people have at least an intuitive idea of moral law. These indicators suggest that the need to enforce moral law in order to make it known is unnecessary.

The enforcement of moral law is not just unnecessary in order to make it known, the use of force inevitably tends to be counter-productive for the purpose it is allowed. LeFevre explains it this way:

*...If a moral action is compelled, it is no longer a moral action. If an immoral action is prevented by force, the result is not morality, but constraint.*

*It follows as a matter of course that the more governments or other external organizations constrain individuals by imposing force or the threat of force upon them, the less moral they will be. Presently, people become unable to discern moral procedures. They learn, instead, to obey in an effort to avoid violence imposed upon them. Individuals stop weighing the morality of their own choices and actions. The only criterion becomes: what can I get away with? (Responsibility in a Crowd, *LeFevre's JOURNAL*, Summer 1978, pp. 8-9)*

Where coercion reigns, as in the case of the nonaggression principle, people's action therein cannot be considered either moral or immoral. A coerced action is neither moral nor immoral, because it is not voluntary. Moral and immoral actions depend on the absence of all institutionalized coercion. The

creed of force does not affirm moral law, but rather obscures it. As a result, there is nothing to prevent the tendency for more criminal behavior.

The libertarian theorist, Charles Lane, outlined how known governments have actually been responsible for educating a class of criminals:

*...let us ask whether the State itself...is not one large school for crime? Its foundation is force, its argument is force, its practice is force. No diviner principle does it recognize. It will obtain all the power, all the wealth, all the territory, commerce, and control it possibly can. It does nothing by love, by moral suasion, by unbought attraction. They are considered the best supporters of government who are most like unto it, and to be a supporter of government, we are constantly told, is the great aim of every good citizen. Immediately around the government is, of course, gathered a circle of men who are actively engaged in acquiring as individuals all they can by any recognized forceful means of hand or head which they may possess. Round these again are other circles of men who, in like manner, adopt the grasping system in modes less nice or refined than those of the inner circle. And so on it proceeds, until a class is generated who exercise their organs of secretiveness in another mode, not more dishonest, and prey upon the classes who have generated them. In order to some pretence of virtue and honesty, all the other classes of cormorants join in prosecuting this last class of dark feathered birds, and occasionally cage them, so that they may learn to be more wary and clever in their plans. For no better effect seems yet to have ever resulted from that system of forceful unloving treatment of the depraved which is carried on under the pretence of their reformation and the public protection. Neither of these purposes has it yet attained. Factitious or artificial pain urged by man upon man, beyond the natural consequences flowing from any actions, must generate a greater degree of depravity; or in other words, must make the criminal a more determined antagonist against the community which treats him in this ungodlike manner. So that it becomes evident to anyone who bestows due consideration on the subject, that the government system tends constantly to make matters worse instead of mending them. Governments of course have no objection to this. They live by it; their existence depends on it. Had we no thieves there could not be even a pretence for thiefcatchers; there were no crimes, either social or moral, governments of a political character must cease. Their craft is based on vice;*

*The Foundation, like the superstructure, is wickedness. The contrivance works in a circle, into which it is difficult to effect an entrance. (Carl Watner, ed., Letters from Charles Lane, M.E. Coughlin Publisher: St. Paul, pp. 62-63).*

The tragic dramatic irony Lane reveals here is that subjects of governments accept a creed which insidiously breeds criminal behavior. Their belief that order cannot possibly prevail without resort to real intimidation or violence is thereby reinforced and perpetuated. Thus most people continue to believe that there is a legitimate need for the methods of the gang of banditti. And so it goes.

*For a season perhaps it is the misfortune of everyone to fall into this delusion of imagining that human good is to be served by political means. How delusive it is. I trust many are now beginning to see a system based on force and skill cannot accomplish any real moral purpose. Moral ends can only be attained by moral means. Brute force is not moral, cunning not morality. Wit indeed may be used under the guidance of the moral sense, but never can morals descend to brute physical force; and without this force the fabric of modern governments falls at once to the ground.*

*There was a period, scarcely yet gone by, when pedantic school-masters asserted that to keep children in order without flogging was impossible. Yet we see this once visionary idea brought out to daily practice. "Men are but children of a larger growth," and are as easily to be kept in order by kindness as by force—Nay, easier, for force never secures order; it merely suppresses the appearance of disorder. It covers the sores of society and heals them not. (Ibid., pp. 96-97)*

### THE CREED OF LIBERTY

Theorists of the so-called spontaneous order have pointed out that social patterns and regularities arise from that human interaction which is free of direct control by any man or group of men. The spontaneous order is *the complex aggregate structure which is formed out of the uncoerced actions of individuals. That this order is the unintended result of the uncoerced actions of individuals makes such an order spontaneous.*

*What is important about the theory of spontaneous order is that the institutions and practices it investigates reveal well-structured social patterns which appear to be a product of some omniscient designing mind, yet which are in reality the spontaneous coordinated outcomes of the actions of,*

*possibly, millions of individuals who had no intention of effecting such overall aggregate orders. (Norman Barry, The Tradition of Spontaneous Order, The Literature of Liberty, Summer 1982, p. 18)*

The theory of the spontaneous order reveals that the coordination of economic activity of individuals who each cannot know the aim and purposes of more than a few of his or her fellow individuals, is achieved, not through the agency of economic planners, but by the mechanism of prices—an institution itself the unintended result of human interaction. On the other hand, what spontaneously generated mechanism is there that gives rise to a moral order? The characteristic feature of the spontaneous order is the absence of any direction or control over a society by one man or group of men. Individual actions are uncoerced. Indeed, the spontaneous order *is* a moral order arising from a basic moral rule that: *no man or group of men may exercise coercion against the person or property of anyone else—i.e., nobody may forcefully assume ownership of the person or property of anybody else.* This moral rule is the creed of liberty. That spontaneous orders can exist, and have existed to some degree, is yet more evidence that most people have at least an intuitive idea of the basic moral rule and obey it as such. Each person chooses to obey it as such, not because it is his or her duty (i.e., the right of others over that person), but because it is in the best interest of that person.

How does the institution of liberty arise in the context of human interaction? The only thing known for certain about human desires is based on the singular reaction of anyone to being coerced.

*To be precise, the predictable reaction of every human intelligence could be phrased as a rejection of the assumption of power over his own decision-making faculty and ability, by some other specimen of his own kind...*

*No human being wishes to be victimized. If and when victimization occurs, it is logical and reasonable to assume (regardless of how he may react), that he disapproved . . . (LeFevre, Moral law, p. 19).*

On this firm basis, one may with confidence conclude that each individual tends to be more concerned about his or her own life and natural property than that of anyone else. The tendency, then, is toward less exposure to coercion against one's own person and property. The imposition of coercion, either directly or indirectly, in order to control the actions of others is an action inconsistent with this tendency. The more dependent one's ex-

posure to coercion is on the actions of others, the more exposed one is to coercion. The tendency toward less exposure to coercion leads to the desire for protection.

Protection is the action taken to prevent a criminal act, without violating the boundary of anyone. It involves no harm directed by anyone at anyone. The property owner does not have to depend on the actions of others to be protected. It is the ultimate expression of the desire for the least amount of exposure of one's person and property to coercion. It is essential, though, for the property owner to know the difference between rightful and wrongful ownership, regardless of what his or her fellows may know. This knowledge is essential if the property owner is to avoid unnecessary risk or injury due to protecting what is not his or hers, or neglecting what is his or hers. It is the need for this knowledge that leads to the discovery of the moral rule. The property owner uses this moral rule to guide his or her own conduct and not that of others. By necessity, all others discover the same moral rule to guide their own conduct as well.

The tendency toward a condition of liberty is a natural tendency of the human intelligence. It is the unintended result of the one predictable reaction of any individual. The tendency is natural, that is, if the creed of force is not institutionalized. That the creed of force *is* institutionalized is due to the notion, instilled by the likes of the nonaggression principle, that human cooperation is like that which obtains between the robber and his or her victim. This notion justifies the institution whose permanence and sovereignty assures the omnipresence of force necessary for such "human cooperation." If people understood the fact that human cooperation is rather like that which obtains between the merchant and his or her customer, the institution of force would not have had a leg to stand on, and would have been substituted by liberty as nature took its course.

A resident of West Virginia, Alan P. Koontz has a BA in economics. This is his first published work on libertarianism.

# FREE ENTERPRISE NEEDS FREEDOM

By Robert LeFevre

I have been fortunate in knowing a number of remarkably fine people who are as concerned as I am about the future of this country. A number of these men and women have professional careers or are tops in business or industry as owners or managers.

With something resembling a single voice they have joined forces in opposition to the growth of government and are clamoring for a restoration of free enterprise. In support of this single purpose, some have created various types of organizations and still others have put into circulation magazines, newspapers or periodicals, all of which carry this central theme.

Some of these splendid persons have taken to the hustings in an effort to curtail reliance upon political processes, but the objects of these observations of mine are not in that group. Rather, they are those with whom I often find closest agreement even in terms of strategy and tactics. Unhappily, it is my melancholy chore today to warn that, in all probability, we are all failing of our purpose and will continue to fail.

Perhaps the reason for this lies in an unwillingness to assess the depths of the forces arrayed against free enterprise and the extreme position which will probably be necessary before any real progress is made. It is probably impossible for many to accept that what appears to be so "right" and so "logical" is viewed as both evil and unthinkable by the vast majority of people in the United States.

What is worse, it seems to me, is that the methods adopted by the non-political remnant which supports free enterprise are incorrect and may, in fact, assist in destroying what is left of it. What a final irony if, in the end, the very people laboring for a return of *laissez faire* administer the *coup de grace*.

Some time ago, a fine study was completed on the trucking industry. The findings showed unmistakably that if the government were not involved in regulating the truckers and virtually everything pertaining to their operations, the trucking industry would improve.

Prior to the study the trucking industry was bordering on bankruptcy; most of its members were existing only because they could continue to borrow. An appeal was made for the government to deregulate the industry. The Reagan administration responded favorably.

The good people who had backed this retreat of government from a few controls were jubilant. Encouraged, they took aim at another industry, hoping to have it deregulated, too. And they had another success! Indeed, deregulation has been employed a number of times and the government has backed out of a number of areas.

But I call upon all fair-minded people to observe the result. Conditions in the trucking industry (and the others, too, in general) did *not* improve! They worsened. A number of firms went under the auctioneer's gavel, and the malady continues. Why? Are the people who favor free enterprise in error?

Free enterprise is not in error, although its advocates may often be. We may fail as humans, but the system of free enterprise was devised by the true nature of human beings and the true nature of this world. It works beautifully, however badly we humans perform.

The fact is that the trucking industry wasn't deregulated; it only was made to look that way. And this was done to please the pressure groups and to give Reagan a "see what I achieved" slogan, should he run for reelection.

Gone are some of the silliest rules, true. But we still have a 55 mph speed limit. Truckers can't make money at those speeds. And licenses will now cost truckers more than ever. Gasoline prices have been increased by a tax which is pushing up the median price index for us all. And between the unions and the government, many of the smaller firms have simply jacked up their rigs and gone on unemployment.

But here is the real damage. A great many of the truck lines are

now calling for a return of government controls and government financial help to bail them out, the way Chrysler was rescued. The general feeling is: "We tried free enterprise and it didn't work! Now we face competition we can't handle. A lot of new people are getting into trucking and nobody's making any money."

The airlines were deregulated the same way. Many of them are now clamoring for a return of restraint to prevent "unfair" competition. And the consequence is seen among the intellectuals who now write and argue that free enterprise is obsolete.

I wish to draw attention to a little-known fact. Ludwig von Mises, the great free-market economist, and Karl Marx, the great communist mystic, agreed on one major point. Marx expresses it in the *Manifesto* and Mises in his work *Human Action*.

When socialist policies are accepted as the general rule, i.e. money is to be taken from the rich and the productive and given to the poor and needy (a confirmed policy in this country), laws will be passed which are untenable in a free market. Because it throws the free market off balance, each such law engenders the apparent need for another law to correct things. But the new law continues to throw the economy further off balance. This is the process described and recommended by Marx for converting a capitalist country into a communist country.

Mises states quite simply that, given a "mixed economy," the inevitable drift is in the direction of more socialism and more controls; *never the other way*.

Most of the free enterprise advocates I know, with the exception of those who take an extreme position, have overlooked this idea. The difficulty is that most businessmen, as they consider the plight brought on by government intrusion, want to roll back the controls on *them*, but keep the machinery around to slap controls on others.

The businessmen are going to have to save themselves. Their own survival and the survival of our jobs, our industry and production will perhaps depend upon a radicalization of the thinking of some entrepreneurs.

We can't deregulate farmers if the producers of the things farmers need operate in a controlled market. If the makers of plows and tractors are price-controlled, wage-controlled, quality-controlled, told where to buy and where and when to sell and to whom, the rift between those who are enslaved and those who are free will give the economic advantage to the slave.

The reverse is also true. If controls are continued on farm production but the makers of tractors and trucks are deregulated, in fact the advantage will go to farmers. The slave has an *economic* advantage and others have to pay for his survival. Only in freedom, with no restraints on any, do we survive because we deserve. We have to aim at a total free market and we must be prepared to reject anything less.

## EVERY GOVERNMENT IS OPPOSED TO HUMAN FREEDOM

By Butler D. Shaffer

What can possibly match the irrelevance of inquiries into one's place on the political spectrum? Politicians, newscasters, and self-styled political activists seem forever bogged down in trying to affix—with all the certainty of a chemical analysis—the label of “left-wing,” “right-wing” or “middle-of-the-roader” on various individuals or policy statements.

Like their counterparts “liberal,” “conservative” and “radical,” the popularity of these words in common usage seems to be proportionate to their total emptiness of meaning.

A friend of mine once observed that the political “left” and “right” were just two wings of the same bird of prey. I have long thought that “liberalism” was a totally dead idea, that “conservatism” had never been alive to begin with, and that the “moderates” represented something in between these two.

The problem with trying to unravel the absurdities and viciousness of politics by reference to a political spectrum is that the discussion necessarily accepts the legitimacy of political institutions. Any alternatives to existing governmental policies must, themselves, be couched in political terms. One endorses political program A, or B or C, but does not dare to suggest non-political practices. The idea of stepping off the political spectrum is carefully defined out of existence.

One experiences this phenomenon in conversations with political true believers about not voting. To vote for or against a particular proposition or candidate is acceptable; to vote not at all is looked upon as being socially irresponsible and, worse, as implicit consent to be ruled by those who prevail in an election.

“Why don't you vote?” a frenetic feminist once shrieked at me. “Don't you want to make this a better world?” “Yes,” I replied, “that's why I don't vote.” “But if you don't vote,” she went on, “how will the world ever become better?” “By my becoming a better person,” I answered, as she stomped off, shaking her head.

If one is to understand the nature of politics, one must begin by scrapping the traditional political spectrum. Those who call themselves “liberals” and “conservatives” disagree only over the size and shape of the cells into which you and I are to be placed: they have no fundamental philosophical differences.

The same holds true for those who parade under other political labels: “Libertarianism,” for example, represents nothing more than warmed-over 1960s-style Barry Goldwater conservatism. Put the 1984 Libertarian Party platform alongside Goldwater's *Conservatism of a Conservative*; you will see what I mean.

The only way to approach political analysis in any way that describes what is actually happening is in terms of the degree of authority demanded by any particular candidate or group over other people.

Using a scale premised upon “authoritarianism”—rather than upon the seating arrangements of the French Parliament, which is where our present spectrum originated—one sees this pattern: the “absolutists” demand total, unquestioned obedience to their will. They are at the top (or bottom, if you prefer) of our scale, and are represented by such tyrannies as the Soviet Union, China, Nazi Germany, Argentina, Iran and the Phillipines, and by such ideologies as Marxism, fascism and Khomeinism. Scattered beneath the absolutists are all the other authoritarian regimes that make up the world's governments.

What is important to keep in mind, however, is that *all* government is funded upon authoritarianism; upon the asserted right of some people to rule others. There is no such thing as a government of free people, any more than the South was able to produce a plantation of free slaves.

Because all government is based upon the usurpation of authority over your life (and the less of such authority is what is meant by the loss of freedom), all government is in opposition to

human freedom. It matters not that the prisoners get to vote for the wardens of their choice, or are occasionally permitted to vote for a ballot proposition allowing them more free time in the yard: the *underlying* premise is that the prisoners will remain incarcerated!

This is why the polar opposite of authoritarianism is not the competing brand of authoritarianism, but freedom. (I do not qualify that word by saying "total freedom", for anyone who understands the nature of freedom knows that it is absolute and complete: the idea of "limited" freedom makes no more sense than does "limited pregnancy"!)

Thus, based upon this alternative scale, one either lives under a government or one is free. If I may draw an analogy, let us assume that absolutist Nazi Germany desired to murder 6 million non-Aryans. Based upon traditional terminology, that regime would be looked upon as "extremist." The "liberal" approach to such an issue would be to sacrifice only 1 million victims (they would manage to get this passed off as the "humanitarian" alternative), while the "conservatives" (urging the importance of sacrifice for national defense and law'n'order) would counter with a program for 3 million victims. The "moderates" would then come in to propose a compromise: 2 million victims, and spread out over a period of five years!

Only those who operate from a premise of freedom would deny all such authority to the State. While the hard-core and lukewarm authoritarians engage themselves in debates over the amount and scope of human sacrifices, the advocate of freedom denies the legitimacy of any system that imposes its will upon others.

The choice between freedom and tyranny is the only choice that has ever mattered, not a supposed "choice" that leaves us to select from competing gangs of assorted thugs, opportunists, sadists and grafters as the "guardians" of our liberties.

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