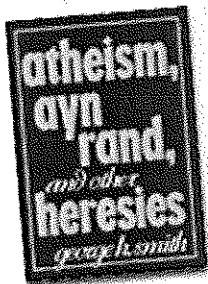


[about](#) | [email](#) | [newsletter](#) | [books](#) | [tapes](#) | [tutorials](#) | [writing consultation](#) | [what's new](#) | [home](#)

THE PHILOSOPHE

THE HOME PAGE OF GEORGE H. SMITH

[visitors](#) | [subscribers](#)



"Atheism, Ayn Rand, and Other Heresies" is available from Barnes & Noble.

## Anarchism and Libertarian Ideology

by George H. Smith

(Copyright ' 1996 by George H. Smith)

*A certain heathen came to [Rabbi Hillel] and said to him:  
Convert me provided that you teach me the entire Torah  
while I stand on one foot.*

*Hillel said to him:*

*What is hateful to you, do not do to your neighbor:  
that is the entire Torah;  
the rest is commentary;  
go and learn it.*

### I. Anarchy, Anarchism, Anarchists

#### Prejudice

Anarchy is an important theme in modern political thought, though rarely is it discussed or defended as a credible theory of justice and social order. More often than not anarchy has functioned as the political equivalent of hell, a model of unending and unendurable social agony -- a perpetual war of every man against every man, as Thomas Hobbes put it in his famous account of the anarchistic state of nature.

Most political philosophers react to the prospect of anarchy with theatrical horror, but they love to talk about it. Indeed, it is indispensable to their discipline, political theory, which historically has been little more than a sustained effort to justify political power in some form or other. Anarchy is to political philosophers what original sin is to Calvinists: the ultimate evil, at once fascinating and repellent. Anarchy, we are told, is so terrible, so destructive, that virtually any kind of government, however brutal or despotic, is preferable to the social poison of anarchy.

Every reader is aware of the cultural and linguistic prejudice against "anarchy," "anarchism," and "anarchists." Many years ago I discussed similar myths about "atheism" and "atheists" in my book, *Atheism: The Case Against God*. It is necessary to clear the air of myths and misconceptions about controversial terms before we can hope to discuss them reasonably, so I will begin by clarifying key concepts.

Note that I refer to *concepts*, not to *words*, which are merely the concrete symbols of concepts. This is important because dictionaries commonly assign the word "anarchy" to at least two different concepts: "1. Absence of any form of political authority. 2. Political disorder and confusion." (*The American Heritage Dictionary*.) Because these two concepts are attached to the word "anarchy," many people assume that the concepts themselves are identical and interchangeable. Most people cannot *conceive* of social order without government -- they lack the appropriate *concept* -- so they presume that "anarchy" *always* means "chaos," "violence," and the like.

This helps to explain how the opponents of "anarchy" respond to an uncomfortable fact, namely, that governments themselves are the greatest perpetrators of chaos and violence. To this we are told that bad governments, or governments badly administered, tend to degenerate into "anarchy." (This confusion goes back at least to Aristotle.) Thus we have two radically different concepts -- "society *without* government" and "society with a *bad* government" -- which have been united by the same linguistic symbol, the same hellish word: "anarchy."

A similar fate has befallen the term "atheism." Many people cannot conceive of morality without God, so they presume that the atheist is necessarily immoral. For centuries philosophers and theologians routinely used labels like "moral monster" to describe the atheist. Not until the late seventeenth century was this presumption effectively challenged by the French scholar and freethinker Pierre Bayle and, a few decades later, by the British philosopher Shaftesbury.

Similarly, I believe that libertarians should rehabilitate the concepts "anarchy," "anarchism," and "anarchist." This is important even for libertarians who do not call themselves, or consider themselves to be, anarchists. Most libertarians, whether they realize it or not, have adopted an anarchistic perspective, however much they may profess to believe in minimal government. This much is certain: When the libertarian "minarchist" (a felicitous label coined by Sam Konkin) calls for minimal government, that government is minimal indeed -- so much so as to be virtually unrecognizable as "government" in any historical or conventional sense of the word.

For example, Ayn Rand, who is revered by many minarchists for her repudiation of anarchism, expressly rejects coercive taxation as a proper function of government and calls instead for voluntary financing, as we now pay for insurance. A similar proposal for "voluntary taxation" was defended in the nineteenth century by the English libertarian Auberon Herbert, a disciple of Herbert Spencer. Herbert's plan was rejected by the minarchist Spencer, who regarded it as anarchistic, but it was repeatedly

cited and praised by contemporary anarchists (e.g., Benjamin Tucker), who regarded Herbert as one of them, in substance if not in name. We have the same problem with Ayn Rand and her "principle of voluntary government financing." This is essentially an anarchistic proposal, as everyone on the political spectrum, from Marx to Jefferson, well knew. The sovereign right of taxation has often been referred to (e.g., in *The Federalist Papers*) as the very "life-blood" of government. The notion of "voluntary taxation" is an oxymoron at best and a contradiction in terms at worst. A "government" without the power to tax is a government in name only. Ayn Rand and her minarchist followers, therefore, are nominal governmentalists; they apply the name of "government" to a totally voluntary system which is indistinguishable, historically and theoretically, from anarchism.

Such confusion over the meanings of "anarchy," "government" and related words are nothing new to political thought. The pluralistic legal system of medieval Europe was dubbed "feudal anarchy" by Edward Gibbon, Adam Smith and others, because it lacked the sovereign territorial ruler of the modern nation-State. Today many historians claim that we cannot properly apply the term "State" to the medieval system, though we can speak of "government." (In the 14th century, Marsilius of Padua, a champion of temporal sovereignty, attacked the notion of plural governments in a manner that is similar to Ayn Rand's polemic against "competing governments.") In the seventeenth century, the theory of "limited sovereignty" (such as defended by John Locke) was repeatedly assailed as anarchistic by defenders of absolutism. A similar charge was made throughout the 17th and 18th centuries against the "republican" defenders of inalienable rights, social contract, and the rights of resistance and revolution. Edmund Burke called the French Declaration of Rights the "Digest of Anarchy," while Jeremy Bentham assailed natural rights as "anarchical fallacies."

More often than not "anarchist" has been used as a term of opprobrium, a smear word to discredit one's political opponents. Consequently, even the most radical of individualists have turned intellectual somersaults to avoid this loathsome label. Consider the case of Thomas Hodgskin (a mentor to Herbert Spencer) who advocated everything from private roads to private protection agencies. Around 1850, while editor of *The Economist*, Hodgskin published an interesting piece titled "Is Laissez-Faire Anarchy?" According to Hodgskin, the word "anarchy" means "without law." (In fact, the Greek *anarkhia* is normally transliterated as "without a ruler".) But consistent advocates of *laissez-faire*, far from opposing law, are firm believers in the "natural laws" of society, such as the laws of economics. Indeed, they wish to replace the artificial laws of government with these natural laws, thereby instituting a free society. Therefore, argues Hodgskin, *laissez-faire* is *not* anarchy -- because anarchists believe in the rule of natural law.

How seriously should we take this exhibition of conceptual gymnastics? Hodgskin, who favors abolishing *all* governmental laws, insists that he is not an anarchist, because he favors the "rule" of natural law. I suspect that Hodgskin framed this argument with tongue in cheek, as a kind of private joke on the respectable, middle-class readers of *The Economist*. Or perhaps he wanted to provide sympathetic readers with some intellectual ammunition, so they could answer the common argument that *laissez-faire* is "economic anarchy" (which it is, by the way). Whatever his motive for rejecting "anarchy," Hodgskin's argument about replacing the artificial laws of government with the natural laws of society (which he saw as an application of Adam Smith's "invisible hand" to the political sphere) is the bedrock for virtually every kind of anarchism, past and present. If Hodgskin's ideas do not qualify as anarchism, then nothing does, and no true anarchist has ever existed.

### Definitions

The word "anarchy" refers to a kind of society: a society without government, or State. (I discuss various distinctions between "government" and "State" below; for now I use them interchangeably.) This is a description, not an evaluation. To describe a *society* as "anarchistic" means that social order exists in some fashion and to some degree without government, for this is implicit in the meaning of "society," but it does not tell us anything more specific. An anarchistic society may be primitive or advanced, violent or peaceful, just or unjust, desirable or undesirable. The anarchist does not endorse every manifestation of anarchy, just as the governmentalist does not endorse every kind of government.

To determine the nature of a good anarchistic society is the business of *anarchism*, which is a *theory* of social order without government. This distinction between anarchy and anarchism is crucial. The former denotes a society, any society, without a State, whether good or bad. The latter denotes a particular point of view -- a defense and justification of the good society which includes, as a fundamental precondition, the absence of a State. As stated previously, not every form of anarchy is acceptable to the advocate of anarchism, any more than every kind of government is acceptable to the advocate of government. To eliminate government may remove a major source of injustice and violence in society, but this does not mean that justice and social order will automatically fill the void. In other words, anarchism regards the absence of government as a necessary condition for a good society, but not as a sufficient condition.

To summarize: "anarchy" is a *negative* term that refers to a social *condition* -- the absence of government. Anarchism," in

contrast, is a *positive* term -- a *theory* of justice and social order that rejects government for moral, economic, religious and/or social reasons. Anarchism is a theory about what *ought* to be, not merely a statement about what *is*.

Having discussed "anarchy" and "anarchism," we can now approach the meaning of "anarchist," the third term of our trinity. As indicated previously, the anarchist, *qua* social philosopher, subscribes to a theory of anarchism, but he does not necessarily endorse all types of anarchy. The rejection of government is not a premise from which the anarchist begins; it is a conclusion based on various ideas about human nature, moral values, social order, institutions, and political power. The label "anarchist" refers to a person who rejects government, but it does not indicate *why* a person rejects government, nor does it specify what the anarchist *means* by "government," nor does it suggest *what* an anarchistic society would look like (its values, institutions, and so forth), nor does it indicate *how* or *when* an anarchistic society can be brought about (if at all). Many variables and permutations are involved here, which lead to radically different kinds of anarchism.

### State and Government

If the anarchist desires a society without a State, then he must explain the meaning of "State" if we are to understand the meaning of "anarchy." If we don't have a State, then (to borrow a phrase from Antony Flew) precisely what have we not got? This question is essential to any discussion of anarchism.

The word "State" derives from the Latin *status*, meaning condition, situation or way of existence. Beginning in the twelfth century, a kingship was called the *status regis*. This "condition of the king" originally referred to his private possessions and fortune, but it was eventually expanded to include his functions and power.

Beginning in the fourteenth century, *status* (*state* in English, *stato* in Italian) were used as synonyms for power, rule, and governance. When medieval writers wished to express what we mean (roughly) by *state*, they used the words *regnum* (kingdom) and *respublica* ("that which is public"). Not until the end of the fifteenth century do we find *State* used in the modern sense as an abstract body of government and laws. Many scholars mention Machiavelli as a key figure in this transition.

Max Weber maintains that we cannot define the State in terms of its ends, or what it attempts to do, because virtually every task has been undertaken by a State at one time or another, and no one task has ever been pursued exclusively by the State. "Ultimately, one can define the modern State sociologically only

in terms of the specific *means* peculiar to it, as to every political association, namely, the use of physical force." (77-8) Weber is careful to point out that force is not the only method employed by States, but force is their distinctive mode of operation. Hence:

[W]e have to say the a state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force within a given territory*. Note that 'territory' is one of the characteristics of the state. Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the 'right' to use violence. (78)

Weber's account is meant to apply to the political organization known as the modern State, or nation-State. This originated in the later Middle Ages, as centralized monarchies grew at the expense of church, nobility, and other corporate groups, until the absolutist State emerged victorious in the sixteenth and seventeenth centuries. That era witnessed the philosophic development of *sovereignty* as the essential characteristic of the State, and the meaning of sovereignty is covered in Weber's definition. In the words of A. P. d'Entreves, "the problem of the birth of the modern State is no other than the problem of the rise and final acceptance of the concept of sovereignty."

The State is the legal sovereign of a territory. "Legal" refers to the realm of legitimate coercion. "Sovereign" refers to an ultimate judge or arbiter. "Territory" refers to a geographical area. Hence the "State" is the ultimate judge and enforcer of legitimate coercion within a given geographical area. The State renders the final verdict on the legitimate use of violence and executes that verdict.

If a society lacks a State, does this also mean that it has no government? Are "State" and "government" interchangeable terms? We can address this issue by outlining three possible distinctions between the two concepts.

(1) Max Weber identifies two kinds of political organizations. The first, which I shall call government, is the more general of the two. A government is an administrative staff which continuously employs physical force, or the threat of force, in a given territorial area -- but which does not necessarily claim or uphold a *monopoly* of legitimate force. This typology treats government as the *genus*, or general class, of political organizations, while the State is classified as a *species*, or type, of government -- namely, one that "successfully upholds the claim to the *monopoly* of *legitimate* use of physical force in the enforcement of its order." [Weber, I, 54]

Weber's distinction between government and State is based on the criterion of *sovereignty*. A State is a coercive monopoly, whereas a government is not. Both kinds of political association claim the right to use legitimate violence, but only the State claims this right *exclusively*. When Weber says that the State "claims the monopoly of the legitimate use of physical force" this does not mean that the State is the only social institution that can use legitimate violence in society; but other institutions do so only with the sanction of the State, and they are answerable to the State for their activities. "Monopoly," therefore, does not refer primarily to the *use* of legitimate violence, but to the ultimate *right* to decide when violence is and is not legitimate. This is the essence of political sovereignty.

(2) According to Robert Bierstadt, the State is an *institution* (i.e., an abstract system of norms, procedures, and roles), whereas a government is a particular *association* (i.e., an organized group of people). In this sense, we may say that the American State was established by the Constitution and has existed continuously since its ratification. Within the framework of this State, however, various governments have come and gone, as different ruling associations have been elected or appointed according to Constitutional procedures. In this view, a government (an association) is the flesh-and-blood manifestation of a State (an institution).

(3) Albert Jay Nock, in *Our Enemy, the State*, discusses "two distinct types of political organization." Government is formed for the purpose of protecting individuals from fraud, theft, assault, murder, and the like. The State, in contrast, is a predatory institution, rooted in conquest and plunder, whereby one class (the rulers) systematically exploits another class (the ruled).

According to Nock, Thomas Jefferson was confused when he claimed that various Indian tribes were able to maintain a high degree of social order "without government," as was Herbert Spencer when he pointed to various societies that have no "definite government." Nock claims that all such communities, though they may lack a State, do nonetheless have a governmental mechanism to protect members and adjudicate disputes. No society can subsist without government.

Of these three distinctions between State and government, that of Nock -- who was heavily influenced by Franz Oppenheimer -- is the least plausible. For Nock, government and State are not just different, they are diametrically opposed in terms of their functions and basic purpose. A State cannot be a government, and a government cannot be a State. This is a forced and artificial distinction. As an analytic tool, it has little or no value. As a conceptual model for historical investigation (or ideal type,

to use Max Weber's term), it is equally barren.

Nock believes that government is morally justifiable, but not the State. Since Nock was a self-professed anarchist, this implies that belief in "government" is compatible with anarchism. This is a strange and paradoxical assertion, to say the least. True, we sometimes speak of the "governing body" of a social institution, e.g., the board of directors for a private corporation. But to call this a "government" is highly misleading. Jefferson was quite correct when he observed that some Indian communities were anarchistic. I cannot here discuss his thinking on this subject, except to point out that Jefferson was keenly aware of the difference between *social* institutions and *political* institutions. Social institutions are based on the voluntary reciprocity of *equal* rights, whereas political institutions are based on the domination and subordination of *unequal* rights.

Whatever conceptual distinction we may wish to draw between government and State, we must always remember that both are *political* institutions. Governments, even if they seek to protect rights, always claim a privileged status; they relegate certain rights and powers exclusively to themselves, while denying them, by force of law, to everyone else. Both governments and States operate by the political method of domination and subordination, not by the social principle of reciprocity. This was well known to Thomas Jefferson, Thomas Paine, Herbert Spencer, and to many others in their tradition.

In addition to Nock, we briefly examined two other distinctions between State and government. (For the sake of convenience, I have associated these with Weber and Bierstadt, although similar distinctions have been made by others.) In Weber's scheme, the State is an institution which claims a rightful monopoly to decide all matters involving legitimate coercion. Government is an institution that claims the right to exercise political power (legitimate violence), but does not necessarily claim this as an exclusive (sovereign) right. For Bierstadt, the State is an institutional structure of laws, procedures, etc., whereas government is a concrete association of people who work within the institutional framework of the State.

Both of these distinctions are suggestive and useful, depending on the context in which they are applied. Weber's model is especially fruitful in *historical* investigations, where his ideal types enable us to trace the modern development of State sovereignty, in contrast to the legal pluralism of medieval governments. Bierstadt's model, on the other hand, is more helpful in *sociological* analysis.

Little or no distinction is usually made between the meanings of "State" and "government" in everyday usage. This can cause problems for the social theorist who needs to draw an important



technical distinction that is not reflected in the conventional meaning of words. Some sociologists, most notably Talcott Parsons, seek refuge in technical, pretentious jargon -- partly because they don't know how to write good prose, partly because they want to appear "scientific," and partly because there is no other way to express muddled thoughts except in muddled language. Other sociologists, such as Weber and Bierstadt, have an abiding philosophic respect for ideas and their clear embodiment in language, so they formulate technical (or "precising") definitions for ordinary words. Rather than coin new words, they seek to render ordinary words more precise for the purpose of technical analysis. This is unobjectionable (indeed, necessary) so long as the technical definition remains within the general parameters of conventional meaning. Different technical definitions, such as the distinction between State and government, can be equally valid in different contexts, if they yield significant conceptual insights, suggestions, and refinements. The distinctions of Weber and Bierstadt, in my judgment, pass this test.

Where does this leave our investigation of anarchism? Does anarchism oppose the State alone, owing to its pretensions of sovereignty, or does it repudiate all political institutions? Here, of course, we risk lapsing into an endless debate about the meaning of "political." When Aristotle asserted that man is by nature a political animal, he was thinking of the Greek *polis*, which was far broader than what we understand by "government" or "politics." In some respects the meaning of *polis* is similar to the English word "society," since the *polis* included *all* public institutions, whether familial, religious, educational, recreational, or governmental. Hence, where Aristotle says "political," later Aristotelians frequently added or substituted "social" -- and this "natural sociability of man" became a mainstay of individualist thought.

Earlier I drew a common distinction between two kinds of institutions, social and political. (This schema is reflected in the bipolar titles of many libertarian classics: *Man Versus the State*, *Our Enemy the State*, *The Natural and Artificial Rights of Property Contrasted*, *Nationalism and Culture*, *Freedom and Domination*, etc.) Given this distinction, into which category shall we place the "private protection agencies" that have been proposed by free-market anarchists (beginning in the nineteenth century) as a substitute for the governmental protection of rights? Are these agencies social or political? Since they claim to use legitimate force against violent aggressors, they seem to be quasi-political. But such agencies claim no superior or exclusive power over individuals. They function instead as agents for those individuals who have *expressly* and *voluntarily* delegated their natural right of self-defense. In this respect private protection agencies differ not at all from other social institutions.

A solution to problems like this was suggested by John Locke, Thomas Paine and other social contract philosophers who discuss *civil* society -- a third type of association that stands midway between the purely social (the unorganized "state of nature") and the purely political (government). A civil society is formed by the *unanimous* consent of its members, who associate to protect and enforce their natural rights. This 'primary "social contract," which is *logically* prior to the formation of government, establishes a common set of rules and procedures through the voluntary cooperation of every participant. And though the early social contract philosophers tended to view civil society as a mere stepping-stone to government, their theory that voluntary civil associations (or "intermediate institutions") were possible *without* government proved highly suggestive to later anarchist thinkers, who argued that civil associations are sufficient by themselves to maintain justice and social order. Indeed, government, by violating the principle of voluntary interaction, actually disrupts the natural order and harmony of interests in civil society. (This anarchistic twist owed much to the development of spontaneous order theory, especially in the works of Adam Smith and Thomas Paine. More than a few nineteenth-century anarchists acknowledged their debt to both men.)

Any number of problems -- and pseudo-problems -- can be generated from rubber words like "political" and "social." (For example: Is anarchism properly described as a political theory or is it an *anti*-political theory?) A coherent and systematic theory of anarchism is based on a key-cluster of ideas -- rights, property, coercion, and the like -- so the anarchist, in his role as a *philosopher of anarchism*, must undertake a careful analysis of the ideas that constitute his own ideology. This may not, and probably will not, significantly influence public opinion, but it may stimulate interest, originality, and creativity among serious students of liberty.

### **Classical Liberalism and Libertarianism**

Anarchism, as I indicated previously, is not a unified tradition. Different types of anarchism have arisen from different schools of political thought, including classical liberalism, socialism, communism, and Christianity. An anarchist will often identify more closely with governmentalsists from his own school of thought than with anarchists from other traditions. Fundamentally, the modern libertarian-anarchist has more in common with Locke or Paine than with Proudoun or Bakhunin.

All this may leave us a bit dissatisfied, but such is the nature of political labels, which are always ambiguous and imprecise. In 1896, the individualist-anarchist Francis Tandy argued for the privatization of police agencies, the judicial system, and more;

he called his book *Voluntary Socialism*. Benjamin Tucker used the same label, contrasting it with State socialism. Later, Charles Sprading and other American anarchists adopted the term "mutualism" to describe their position, whereas some modern libertarians prefer to use "voluntaryism."

Perhaps the most colorful substitute for "anarchist" was one which was bandied about by different factions of the antislavery movement in antebellum America. William Lloyd Garrison, Wendell Phillips and other abolitionists were frequently called "no government men" by their less radical critics within the movement. Phillips, however, rejected this label, arguing instead that Lysander Spooner and his camp were the real "no government men." Spooner, unlike Phillips, did not object. And it was Spooner, not Phillips, who became a founding father of modern libertarianism.

In an effort to bring some order into the confusion of political labels, I shall offer my own analysis of three concepts: *liberalism*, *libertarianism*, and *anarchism*. I use these labels as follows:

Liberalism -- by which, of course, I mean classical liberalism, not the big government "liberalism" of modern America -- is a general *tradition*, or school of thought, which encompasses various ideologies. The most radically individualistic *ideology* within the liberal tradition is libertarianism, which adopts nonaggression (based on the moral premise of self-sovereignty) as the supreme principle of social, civil, and political behavior. Anarchism, in turn, is a *type* of libertarian ideology, which applies the nonaggression principle to an institutional analysis of the State, condemning it as *inherently* aggressive. Anarchism, therefore, is a subset of libertarianism, which is itself a subset of liberalism. Now, let's take a closer look at this set of nesting concepts.

(1) Scholars often claim that terms "liberal" and "liberalism" were first used around 1810 by a group of Spanish legislators. However, the labels appear to have originated in France a decade earlier. As a political label, "liberal," may have been coined by Chateaubriand, who used it in a work published in 1802. The term became common within the next few years, especially after it was adopted by Benjamin Constant and other libertarian critics of the Napoleonic regime. ("The empire was made for liberalism, not liberalism for the empire," wrote Madame de Stael in one of her novels.)

It seems likely that the tremendous influence of Adam Smith had much to do with the widespread use of "liberalism." In his *Wealth of Nations* (1776), Smith refers repeatedly to the "liberal system" of free trade and to "the liberal plan of equality, liberty, and justice" wherein every person is allowed "to pursue

his own interest in his own way." There is a symmetry here with the phrase "mercantile system," which Smith uses to describe the theory and policy of commercial regulations. And just as "mercantile system" was transformed by later writers into the word "mercantilism," so it is probable that Smith's "liberal system" underwent a similar transformation -- resulting in the use of "liberalism" to signify the principles of free trade, civil and religious liberties, anti-colonialism, and minimal government.

Unfortunately, there are serious misconceptions about the development of European liberalism, even among knowledgeable and sympathetic historians. Ludwig von Mises, for example, asserts that liberalism was "based on the teaching of utilitarian ethics and economics." The problems here are legion. Mises wishes to contrast utilitarian ethics with the theory of natural rights (which he repudiates). This artificial dichotomy, though quite common, seriously distorts our understanding of the origin and development of liberalism, which was closely tied to the natural-rights doctrine known as "self-proprietorship," or "property in one's person."

The natural -rights theme is clearly expressed by Adam Smith, even if we bypass his *Theory of Moral Sentiments* and confine ourselves to the *Wealth of Nations*. For instance, in his attack on apprenticeship regulations, Smith writes: "The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable." To hinder a man from using his labor, so long as he does not injure others, is "a plain violation of this most sacred property." Again, Smith attacks a law that dictated the movement of laborers as "an evident violation of natural liberty and justice." The essence of Smith's approach is indicated in his critique of some commercial regulations, which he castigates as "evident violations of natural liberty, and therefore unjust." Such laws were "as impolitic as they were unjust."

Adam Smith viewed economic utility and natural rights, in effect, as two sides of the same coin. If Mises is correct, if liberalism was based on "utilitarian ethics" in contradistinction to natural rights, then that curious detail seems to have eluded Adam Smith and other founding fathers of liberalism.

It is often pointed out that Adam Smith and other liberals were inconsistent. This is true: Smith and others deviated from the principle of laissez-faire, some more than others and economists most of all. But herein lies the central point: these exceptions were recognized *as exceptions*, and an exception has meaning only in contrast to a general rule.

Freedom in commerce and other spheres was the guiding principle of liberals. Whatever their disagreements and deviations, they operated from what I call *a presumption of*

*liberty.*" Liberty was the norm; and though some liberals were willing to violate this norm, they required compelling reasons to do so. The advocates of governmental intervention assumed the burden of proof. If they failed to persuade other liberals, the presumption rested with liberty. (This is illustrated in Smith's unwillingness "to sacrifice the ordinary laws of justice to an idea of public utility," except in matters of the most pressing urgency.)

Thus, as used here, "liberalism" refers to a general tradition whose advocates, despite their many disagreements, were united by their belief in liberty as the highest social value and as the ultimate standard of political behavior.

In addition, liberals shared the same conceptual universe. If philosophers rarely agree on how to solve a social problem, this is often because they see the social world through different philosophical spectacles. A "social problem" does not wear a name-tag or otherwise identify itself. Even to classify something as a "problem" requires a theoretical perspective, and different perspectives will generate different notions of what qualifies as a "problem." And even if we agree on this point, we may still disagree on the proper criteria to assess solutions. We thus refer to liberalism as a tradition or school of thought, not because liberals always agreed on matters of theory or policy, but because they used the same analytic tools and worked from the same presumption.

(2) Perhaps "libertarianism" is a better label for the tradition we are considering here, since it is less likely to be misunderstood. F.A. Hayek discusses this issue in *The Constitution of Liberty*. He likes the word "liberal" because of its grand history, but fears that many readers, especially Americans, will confuse the minimal government of Classical Liberalism with the big government of modern welfare-State liberalism. As for "libertarianism," Hayek disliked it on aesthetic grounds; he thought the word sounded excessively ugly.

My ears do not agree, so I will use "libertarianism" -- not, however, as a substitute for "liberal" but as a subset, a specific form, of the liberal tradition. Various doctrines and movements have developed within liberalism, and some of these differ radically on such issues as natural rights. I use "libertarian" to denote the radical wing of liberalism, a specific ideology based on the moral sanctity of the individual. Like the anti-slavery abolitionists of the last century, libertarians stress the right of *self-sovereignty* (Josiah Warren) -- also known as self-propriety (seventeenth-century Levellers), property in one's person (John Locke, James Madison), inalienable rights (Thomas Jefferson, Thomas Paine) moral autonomy (Immanuel Kant, Wilhelm von Humboldt) self-ownership (William Lloyd Garrison, Auberon Herbert, Murray Rothbard), and the right to life (Herbert Spencer, Ayn Rand).

Libertarianism is based on a particular understanding of "liberty" as nonaggression. This nonaggression principle, though grounded in moral reasoning, is axiomatic within the framework of libertarianism *qua* political theory. Nonaggression functions as the ultimate standard of political behavior; what is permissible in the political sphere must be compatible with the axiom of nonaggression. Thus, when the presumption of liberty, as we find it in Classical Liberalism, is refined and reduced to the axiom of nonaggression, it then becomes the *defining characteristic* of libertarianism, the *primary value commitment* of libertarians, and the *regulating principle* of libertarian ideology.

(3) Anarchism, as conceived here, is a *type* of Libertarian ideology -- one based on an institutional analysis of the State. The moral core of anarchism is the claim that the State is *necessarily* invasive, or invasive *per se*. When this analysis is combined with the nonaggression axiom, the State is necessarily excluded, and the libertarian lands in anarchism.

This is the fundamental disagreement 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 another -- we have the minarchist argument for the possibility of a noninvasive State.

The anarchist rejects the argument that the basic institutional purpose of 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, as I argued previously, anarchism is more than libertarianism. Anarchism is the nonaggression axiom combined with a particular view of the State -- one that relies on an analysis of that institution.

To summarize: Libertarianism is more than liberalism: it combines the presumption of liberty with a specific definition of "liberty" and thereby arrives at the axiom of nonaggression. Anarchism, in turn, is more than libertarianism: it combines the nonaggression axiom with a particular analysis of the State and thereby condemns the State as inherently invasive. Anarchism, therefore, is a subset of libertarianism, which is itself a subset of liberalism.

This preliminary discussion has defined and classified some basic concepts in a manner that (I hope) is both reasonable and useful. If I have clarified some issues, then I am satisfied. If I have raised more problems than I have solved, then I am even more satisfied. Before you can get philosophers to think about anarchism, you must first get them to think.

## II. Anarchism and the State in Political Theory

### The State of Nature

Whenever a political theory posits a state of nature (or natural society), we may confidently assume that this is an argument for government, not anarchism. A state of nature -- society without government -- has proved a popular starting point for political theorists, but those philosophers who begin with a state of nature never end there. The social contract model is designed for a specific purpose: to present the problems of anarchism in such a way that only a government can solve them.

The anarchist frequently encounters the same arguments that have been made against the state of nature models -- the perpetual threat of chaos and violence, the lack of an impartial legal system, and so forth. These objections implicitly link anarchism to the classical accounts of natural society. This linkage is objectionable for several reasons, which I shall illustrate by focusing on the two most famous accounts of natural society: those of John Locke and Thomas Hobbes.

John Locke's state of nature is characterized by the universal equality of rights, without political dominion or subordination. This natural society, as depicted by Locke and most other social contract philosophers, is an imaginary construction -- a conceptual model that focuses on the lack of a common sovereign, where each person remains in full possession of the moral right to judge and enforce his natural rights.

Locke's natural society is essentially civilized, though it does suffer from various "inconveniences" that necessitate a government. This account differs dramatically from that of Hobbes, who depicts natural society as a war of all against all,

where life is nasty, brutish and short. These and other models of society without government have often been accepted by philosophers as competing visions of anarchy, but this unwarranted assumption has seriously distorted the anarchist viewpoint. Neither Locke nor Hobbes was seriously interested in anarchism; even Locke, the more liberal of the two, accepted the need for government as a presupposition of his argument.

Significantly, neither Hobbes nor Locke tell us what kind of ideas (especially political ideas) are discussed and accepted by people in a state of nature. Yet this information is essential to any analysis of social action. It is what people believe subjectively, not what is true objectively, that determines how they will see problems and how they will respond to those problems.

Consider Locke's state of nature, but with this difference: Most people in Locke's natural society are religious anarchists who believe that government is a tool of Satan. Given this strong conviction, how would these people deal with the problems of their anarchistic society -- those "inconveniences" mentioned by Locke? It is safe to assume that these people would search for solutions that did not involve government at all. And given their strong religious values it is possible that they would ultimately prefer to live with their inconveniences, rather than succumb to Satan's design.

Just as the majority of people in a political society will likely believe in the legitimacy of the State, so the majority in an anarchistic society will likely view the State as illegitimate. In other words, an anarchistic society is one that contains anarchists, who have consciously repudiated the State and its moral underpinning (most notably sovereignty).

I maintain that the classical accounts of natural society should not be confused with anarchism. Anarchism is not the mere absence of the State; it entails the wholesale repudiation of the State. Anarchism is a positive theory, not ignorance or indifference. A person without any political beliefs -- a child, for instance -- is simply apolitical, not anarchistic.

The most serious objection to state of nature philosophies is their failure to develop a theory of social order and institutions that have developed spontaneously, without an overall plan or design. Hobbes is the worst offender here. He merely asserts that social interaction without a sovereign will be little more than perpetual civil war. Nowhere does he discuss what institutions already exist in his state of nature and how they got there in the first place. Presumably there is spoken communication at least, but how did a common language originate without a good deal of peaceful interaction and cooperation over a long period of time? The existence of language suggests that at least one social



convention has emerged without the aid of Leviathan. In addition, as Hume pointed out, the social covenant of Hobbes involves making promises, but this too is a social convention that can only develop gradually over a long period of time, as people learn the benefits of reciprocal trust and how to cooperate for their common good.

Thus the Hobbesian state of nature presupposes the existence of at least two social institutions, both of which require the kind of cooperation that Hobbes arbitrarily banishes from his hypothetical model. What of similar conventions, such as rules that regulate the transfer of property rights? Given that language and promises must exist in this natural society, we may reasonably assume that the social mechanism that produced them will also produce the other major institutions of civilized society, and all without the aid of Leviathan.

A similar objection applies to Locke and other liberal contractarians. Such models typically fail to describe the conventions and institutions that exist in the state of nature, and most important, they do not explain how the spontaneous order of society is able to maintain itself without government. In short, the social contract tradition is woefully inadequate when it comes to a positive theory of a voluntary social order, such as we find in economic exchanges. Given the void in this area, it is little wonder that the state of nature will seem unable to solve its own problems without calling on the sovereign for help.

Armed with a theory of spontaneous order and institutional analysis, we might find a solution for Locke's inconveniences, without ever leaving the state of nature. Locke maintains that his natural society is essentially civilized and peaceful, which indicates the advanced development of social and economic institutions. Perhaps the problem of acting as judge in one's own case can be solved with a free market legal system, such as that advocated by modern libertarians. Yet nowhere is this or any other market solution ever hinted at by Locke. Perhaps this was impossible without a more sophisticated theory of economics, or perhaps Locke was simply uninterested in finding anything except a way out of the state of nature, so he could achieve what he set out to achieve in the first place, namely, a way to justify government within the social contract paradigm.

When Robert Nozick posited a state of nature as an explanatory hypothesis, it was part of his effort to answer the "fundamental question of political philosophy," namely, "whether there should be any State at all." Nozick modeled his state of nature after Locke: both depict a society without government where, unlike the account of Hobbes, life is neither nasty nor brutish. The Lockian version of natural anarchy, though no paradise, is essentially peaceful and civilized where, as Nozick says, people generally observe moral constraints and act as they

should. As expected, however, natural society has its problems which only a government can solve, according to Nozick. .

Did Locke refer to a state of nature because he wished to address Nozick's "fundamental question" about the legitimacy of the State? Did Locke consider the justification of the State to be a serious philosophical problem? Far from it. The justification of the State was a political axiom for Locke and other contractarians. If social contract theory was unable to justify the State, then it was social contract, not the State, that failed the test and should be repudiated.

Locke tries to show how natural rights and social contract can justify the right of revolution without collapsing into the anarchistic state of nature. According to Sir Robert Filmer (Locke's dead adversary) any attempt to justify revolution must eventually lead to anarchy; the rights and powers of a sovereign cannot be derived from the rights and power of the individual in a state of nature. The principles of social contract theory subvert the foundations of government. If political subordination does not exist in the state of nature, if people must consent to be ruled by government, then we will forever remain in that condition of anarchy.

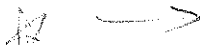
Filmer notes that a consent theory of government is based on the doctrine of self-sovereignty -- the natural and equal rights of mankind. Such rights can be alienated only by consent, so a government is legitimate only if it can trace its authority to the voluntary decisions of individuals. But this supposition is historically absurd and theoretically implausible. No government has been established by contract, nor is there any reason why, given the natural right to freedom, that any rational person would voluntarily subordinate his will and agree to be ruled by others.

Natural rights and social contract -- these are the principle of anarchy, said Filmer; they can justify resistance and revolution, but they can never establish a government. It is largely owing to Filmer that this "specter of anarchy" argument would haunt social contract theory for many years to come. Subsequent critics -- including David Hume, Adam Smith, Edmund Burke, Josiah Tucker, and Jeremy Bentham -- followed Filmer's lead in maintaining that contract theory will land us in anarchy. It is impossible to justify the State if we endow every individual with natural and equal rights to freedom. Any philosopher who begins in a state of nature is doomed to remain in that anarchistic condition. We cannot use consent as a bootstrap to lift us out of anarchy, so consent is as unthinkable as anarchy itself.

If Locke was to overcome this specter of anarchy, he had to show how his principles could justify the State. It was contract theory, not the State, that was suspect and required justification. Thus did the anarchistic state of nature stand condemned

without a defense of any kind.

This is why the traditional accounts of natural society should not be accepted as models of anarchism. Anarchism is more than the lack of a government; it is a theory of voluntary social order that excludes a State as socially and morally undesirable. It is therefore absurd to imagine that a State can solve the problems of an anarchistic society. The State is to anarchism what anarchism is to the State: the ultimate evil to be avoided at all costs.



Most defenders of social contract tried to derive political obligation from consent, which sounds quite libertarian until we recall that we are speaking of hypothetical consent and hypothetical contracts -- indeed, most everything about the social contract is hypothetical except its conclusion, namely, our duty to obey the State. The classical accounts of natural society are, so to speak, loaded models. All of them are designed to justify government, where the specific features of natural society are fashioned according to what kind of government the philosopher wishes to justify.

### Social Contract and Consent

The theory of a contract between ruler and people was transmitted to Christian Europe through Roman Law. It was primarily used by secular (or temporal) powers in their struggle against papal authority. Rather than concede that secular power was channeled by God through the pope, who then had the authority to revoke that power, the secular apologists suggested another route by which power devolved into their hands: God gave power to the people, who then chose their ruler. Hence a prince derived his rightful authority from the will of the people; the clergy, when performing coronations, were simply ratifying what God, through the people, had previously determined. "Since the end of the thirteenth century," as Otto von Guericke notes, "...it was held as an axiom of political philosophy that the legal basis of all government lies in the voluntary or contractual subjection or submission of the governed." Even advocates of papal supremacy, who traced the origin of governments to conquest and violence, sometimes defended the legitimacy of such governments by invoking the "tacit consent" of the people.

As the modern state took shape in the sixteenth century, a contract of rulership became a convenient rationale for sovereign power. The notion of a contract between ruler and people can work either to expand or limit governmental powers, depending on the terms and nature of the contract. Some philosophers, for example, insisted that the state contract is irrevocable, so this precluded any right to resist or overthrow the sovereign.

Locke presents an interesting case, because, contrary to received wisdom, he does not include government or its agents as parties to a social contract, or indeed to a contract of any kind. The only contract occurs among individuals, who unanimously agree to abandon the state of nature, thereby forming a "civil society," where everyone consents thereafter to accept the principle of majority rule in matters affecting the common good. This majority then decides on the suitable form of government (constitutional monarchy, democracy, etc.) for that civil society. At no point are the specific rulers involved in this contract. Rather they are appointed, in effect, acting as agents for civil society, exercising their power as a kind of trust. If they abuse this trust, then the members of civil society can rescind the ruler's authority and delegate it to someone else.

In several respects Locke differs from modern contract theory and reverts to an older medieval tradition based on Germanic law, where, contrary to Roman Law, there existed no direct contract between the people and the ruler. Rather, both parties were bound by a common oath of fealty to observe a higher law: the natural law of justice. The prince swore to use his power for the common good (power used for selfish ends was the defining characteristic of a tyrant), and the people swore to obey their rightful sovereign in those matters that were properly within his jurisdiction.

In political contract theory, a king could be deposed, in theory at least, if he violated the terms of the contract. But this was a problematical subject, leaving much unanswered. What were the precise terms of the political contract, and what point did a king transform himself into a tyrant? And, most importantly, who is to decide such matters? Who is to say when the political contract has been violated beyond repair? Because of problems like this, the theoretical right to revolution, implicit in some versions of political contract, often did not count for much in practice. If, as was often the case, rulers had the sole authority to determine if the political contract had been violated, by whom and to what degree, then the ruler invariably decided in his own favor.

Modern theories of social contract were sparked by the rise of centralized European monarchies. After monarchs triumphed over the nobility, church and other rival powers, they were able to enforce their monopolistic claims to political authority. In theory the absolute monarch was obligated to obey the precepts of natural law (and sometimes the unwritten law of custom), but this obligation did not translate well into practice. The feudal system of plural authorities no longer existed, so there were no intermediate powers to serve as buffers between the State and the individual. The monarch received his commission of absolute power directly from God, so to God only was he accountable.

What human authority should determine the precise content and meaning of natural law, if not the monarch in his role as sovereign legislator? Or who should decide when a natural law has been violated, if not the monarch in his role as sovereign judge? Or who should enforce natural law, if not the monarch in his role as sovereign executive? If no earthly authority was entitled to oppose the sovereign will, then no earthly authority could compel the sovereign to honor the precepts of a "higher law."

According to absolutism, God commanded subjects to obey all laws and decrees of the monarch, however unjust they may appear. Or, if a law clearly violated fundamental Christian doctrine, the subject may engage in passive disobedience -- offering no resistance and submitting to legal punishment. Active resistance, rebellion and revolution were absolutely prohibited, regardless of how evil a government might be. God, after all, had ordained government as a punishment and remedy for sin, so an evil government was probably God's plan for an evil society.

In opposition to theories of divine right and absolute sovereignty stood theories of popular sovereignty, where power flowed down from God to the people, and then back up to government. Power from God was mediated through the people, who then played a role (however formal) in the establishment of government. Some kind of government, of course, is mandated by divine will, so the people have no choice in the matter. But their consent may be relevant to the specific form of government or to the legitimacy of an existing government.

This consent could assume different forms, e.g., as contract, trust or promise. Contract, generally speaking, referred to reciprocal consent, but the specific nature of the contract depended on various conditions. A social contract was an agreement among individual members of society; this usually required unanimous approval. A State contract was an agreement between civil society and government; this usually required majority approval. Rights in a contract could either be surrendered or transferred. All rights, or merely a few, might be involved in the process, and a contract could be conditional or irrevocable. The social contract could establish limited government or absolute monarchy; it could justify revolution or passive obedience; it could be historical, theoretical or a combination thereof; it might require express consent, tacit consent, or both, or neither. All in all, the social contract can take you just about anywhere you want to go, transported by concepts with virtually nothing in common except a name.

Consent theory gained in popularity after the Reformation shattered the religious unity of Europe. Luther, Calvin and other major Reformers were no friends of toleration, and their ideas

gave aid and comfort to secular rulers. But Reformation theology also contained the notion of "Christian liberty" -- and this emphasis on freedom of conscience, though not intended as a political doctrine, soon generated a demand for the right of the individual to obey his conscience in matters of religious beliefs and practices. Thus was established a sphere of personal freedom, a domain of natural right that was exempt, absolutely and eternally, from the legitimate power of government. (This sphere, which gradually expanded to include moral and even economic rights, is sometimes called the sphere of personality; the history of this sphere is the history of liberalism.)

The rights of conscience were incompatible with absolutism, because such rights permit the individual not only to claim a right to freedom, but also to judge when his rights have been violated. Even absolute monarchs did not object to theoretical limits to their power, so long as they retained the ultimate right to judge particular claims. As Locke pointed out, anyone who judges his own case will likely find in his own favor, and the sovereign is no exception. But the theory of conscience created a sphere of self-sovereignty, where the political sovereign is morally impotent and where coercion is always unjust.

Most seventeenth century philosophers, including defenders of absolute monarchy, agreed that the fundamental purpose of the State is to maintain peace, social order, and traditional liberties. The justification for a State was taken for granted. Anarchy was the great bugbear of political theory, a condition that was to be avoided at all costs. This is where a doctrine of inalienable rights (the domain of conscience) flirted with disaster. If the individual can determine when his personal sphere of natural right has been violated, this seems to land us in anarchy, because self-sovereignty, like political sovereignty, is an all-or-nothing affair. If someone other than the purported sovereign can veto his judgment, then the idea of "sovereignty" is a mere verbalism. If it is said that the individual is sovereign only within a delimited sphere, then we must wonder who determines the boundaries of that sphere. And even if limits can be established, who but the sovereign himself has the right to judge when those boundaries have been violated?

As mentioned previously, the anarchistic implications of consent theory were pointed out by Sir Robert Filmer, a champion of absolute monarchy, several decades before Locke wrote his famous rebuttal. To insist that governments must be established by the consent of the governed, Filmer argues, will land us in anarchy -- and herein was the central problem that would haunt every effort to establish limits to State sovereignty. A sovereign, after all, is the supreme judge, so to argue that there are limits to his sovereignty is nonsense, since to establish such limits would require a judge superior to the sovereign himself. Absolutism was thus defended as a corollary of sovereignty itself; a "limited

sovereignty" is a contradiction in terms.

According to Filmer, if we begin with the state of nature where all men are endowed with equal freedom, then we will end in the state of nature, because no rational man would surrender his rights of freedom to another. In other words, the premises of social contract are unable to justify government; they are the principles of anarchy and sedition. Sovereignty is either absolute or it is nothing. There exists no middle ground between absolutism and anarchy.

Anarchy was out of the question, of course, so the battle was joined over alternatives. We need the State, that much is certain, but must we also condone absolutism, or can we limit sovereignty without sanctioning anarchy? Clearly, this is not an effort to choose between government and anarchy; on the contrary, the point is to avoid anarchy at all costs -- he who lands there loses the contest -- and to explain which kind of government will most likely keep us from regressing into that chaotic situation. The social contract debate was over what kind of government is best, not over whether government should exist.

### **Legitimacy**

According to Machiavelli, "government consists in nothing else but so controlling subjects that they shall neither be able to, nor have cause to, do you harm." This means that a successful ruler must win the "friendship of the people." A ruler can never make himself secure if he "has the public as a whole for his enemy."

A successful ruler, therefore, is one who is accepted as legitimate by most of his subjects. This has little to do with abstract theories of justice. Most people "ask only not to be oppressed." If a government allows most of its citizens to live comfortably and securely, and if that government at least gives the appearance of maintaining justice, then the people will rest content with the status quo and refrain from peering beyond the facade to the reality of political rule. As Machiavelli tells his Prince: "Everyone sees what you appear to be, few experience what you really are." Thus, while appearing to be a man of virtue, the prince should use whatever means are necessary -- however brutal and deceitful they may be -- to strengthen his power.

The best kind of legitimacy is achieved when the people feel utterly dependent on their government, especially for protection against foreign conquest. A prince who is skilled in the art of war will be regarded as indispensable to the defense of his country, so the people will always support him -- provided that he does not provoke the wrath of his subjects by imposing

burdensome taxes. The prince who can provide a frugal defense is most likely to win the allegiance and cooperation of his subjects.

The successful prince, says Machiavelli, cannot depend solely on the love of his subjects; they must also fear him. Love will not insure a general obedience; only the dread of punishment can accomplish this. Thus does Machiavelli's isolate two psychological features of political power: love and fear -- or, as I shall call them, legitimacy and credibility.

A State requires *legitimacy* and *credibility*. Legitimacy is public recognition of the State's *authority*; this causes many people to obey the State as a matter of principle, because they presume it is justified. Credibility is public belief in the State's *power*; this causes many people to obey the State from fear, because they believe in its ability to apprehend and punish lawbreakers.

Though these categories often blend together in practice, they represent conceptually distinct motivations for obedience. Suppose I disagree with the content of a law but obey it nonetheless. If I obey because I respect the authority of the State, then this is the motive of legitimacy -- an example of *de jure* power. If I obey for no reason other than fear of punishment, then this is the motive of credibility -- an example of *de facto* power.

A state is deemed "legitimate" if a significant number of people believe that it conforms to their moral and social norms. Legitimacy enables a state to rule through the power of moral authority. Authority is political gravity, the invisible power of attraction that pulls people to the State voluntarily. Coercion, by contrast, is the visible power of violence that pushes people to the State against their wills.

Legitimacy is a subjective phenomenon, a matter of more or less that defies exact (cardinal) measurement. If we wish to measure legitimacy (or any social phenomena), we must conjure up a metaphorical ruler; in this case, let "one" equal pure coercion and let "ten" equal pure authority. The legitimacy of a particular State will fall somewhere on this continuum: a State with high legitimacy will enjoy the compliance that comes with authority, whereas a State with low legitimacy will confront widespread disobedience and resistance.

It is important to distinguish legitimacy from moral justification. As an anarchist I do not recognize any State as justified, but I do regard many States as legitimate. Whether a State is legitimate is a question for the sociologist; whether a State is justified is a question for the political philosopher. Legitimacy pertains to what people subjectively believe, not to the truth or



validity of those beliefs. The sociologist uses legitimacy as a conceptual tool to explain why some people obey the State willingly, and this value-free procedure is unobjectionable even to anarchists.

It is often said that a State cannot sustain itself without a high degree of legitimacy, because no State, however powerful and ruthless, can control and coerce masses of unwilling subjects. But is this true? Dictatorial and totalitarian regimes have often ruled without much legitimacy, resorting to brutal punishments and massive killings instead. It may be true that a government cannot literally force every person to obey every law; but, as Mosca pointed out, the State (or ruling class) is an *organized* minority *vis-a-vis* society, which is an *unorganized* majority. The State can coordinate its actions, apply violence selectively and systematically, and thereby intimidate the majority of people, who will tend to comply from fear that they may be the next victims. A ruling class, therefore, can enforce its will through the *continuous threat* of violence against recalcitrant subjects. The consequence is a *continuous fear* throughout society, which is what I mean by the motive of credibility.

Like legitimacy, credibility is a subjective phenomenon. Legitimacy is a public belief, whether correct or incorrect, that a State is justified. Likewise, credibility is a public belief, whether correct or incorrect, that a State can effectively enforce its will. And just as a State can use smoke and mirrors to establish its legitimacy, so it can use smoke and mirrors to establish its credibility.

It has often been asserted (e.g., by David Hume) that political obedience is typically habitual. The average person obeys the State as a matter of routine and social convention, rather than evaluating each law individually. This habitual compliance, according to Hume, will continue so long as most people believe that their government, however corrupt or inefficient, serves a socially useful function. This perception of social utility causes most people to cooperate willingly with government. Although Hume denies that this cooperation can be called "consent," he does assert that most people *acquiesce* to their own political subordination -- and in this sense every government can be deemed legitimate.

The problem with this argument should be obvious, given our previous discussion of credibility as a motive for obedience. Granted, most people may obey the State from habit rather than from conscious deliberation, but this fact alone does not tell us how or why this habit tends to develop. I may routinely obey the decrees of government because I believe in its legitimacy, or I may routinely obey because I believe in its credibility. If many prisoners of Nazi concentration camps developed the habit of obedience, this was because they feared the brutality of their

captors, not because they believed in the legitimacy of the Nazi regime. If there was any perception of utility involved here, it was not social but *personal*, namely, the "utility" of avoiding pain, torture, and death.

Those commentators who wax eloquent on the supposed legitimacy of Western democracies should explain the high degree of noncompliance with traffic laws, drug laws, tax laws, and more. Most drivers *routinely* disobey the 55 mph speed limit, if they believe that they won't get caught or, if they do get caught occasionally, that the punishment does not outweigh the personal benefits of violating the decree of their "legitimate" government. Conversely, if most people refrain from committing murder, this is because they believe murder is morally wrong, regardless of what their government may say.

If a government were to decree that no citizen shall eat babies for breakfast, then rest assured that some political "scientist" will eventually study the "babies-for-breakfast problem" -- and, after concluding that very few people actually eat babies for breakfast, this person will congratulate the wise rulers and social engineers for a job well done.

### III. Libertarian Ideology

#### **The Libertarian Idiom**

The vocabulary of political theory overlaps with the language of everyday life. When a libertarian speaks of "freedom," "government," "rights," and so forth, he is using words that are part of normal discourse, words familiar to a general audience. But the libertarian uses such words with a meaning that is far more specific than we find in ordinary usage; and a particular word, as used by the libertarian, will convey a meaning that may appear strange or overly refined to the average person.

This situation creates an obvious problem of communication. Less apparent, however, is this problem: If libertarians do not rely entirely on ordinary language for the meaning of their key terms, then where do these meanings come from? Certainly not from philosophers, who typically disagree among themselves.

The meanings we ascribe to words like "freedom," "property," and "rights," are not new inventions. The libertarian key-cluster of ideas -- our distinctive "idiom" -- derives from an ideological culture that extends centuries into the past. The libertarian idiom is an outgrowth of the liberal tradition, in which the meanings of key terms were debated and refined over time. Of course, our idiom also developed spontaneously to some extent, but, unlike most conventional language, it is also a product of conscious

deliberation and reflection. This philosophic analysis was necessary, first, to distinguish our idiom from the vagaries of ordinary usage; and, second, to stabilize our idiom with consistent definitions that would serve as a common ground for discussion and consensus.

There is a natural tendency for an idiom to lose its identity as it insensibly degenerates into the ambiguities and imprecisions of conventional usage. Libertarians confront this problem when they use words like "rights" and "freedom" in public discourse. Such words, which have a precise meaning for the libertarian, can mean almost anything to the general population. Few people oppose "rights" and "freedom," but few people understand these words as libertarians do. This is bad enough, but if libertarians begin to neglect their own ideological culture, if they fail to understand the historical roots and evolution of their own idiom, then the forces of spontaneous order will kick in and eventually rob our key terms of their distinctive sense. And if this happens, the disintegration of libertarianism will soon follow, as more and more libertarians find that they lack the conceptual ability to understand and appreciate their own theories. To some extent this has already happened in the modern movement. How, then, can we recover and revitalize the libertarian idiom?

The answer lies in a restoration of our ideological heritage. It is in the historical development of our key cluster of ideas that we can locate their distinctive meanings. For this reason we must pay close attention to the history and integrated structure of libertarian ideology.

### **Ideology and Ideologues**

The word "ideology" was coined around 1800 by the French liberal Antoine Destutt de Tracy, who used it as a label for the science (or systematic investigation) of ideas. This enterprise was essentially psychological, not philosophical. Destutt's ideology was concerned with how the mind generates and organizes ideas, not with the epistemological value of those ideas.

The word "ideologue" also appeared in France around the same time. Its creator appears to have been Napoleon, who attacked as "ideologues" his libertarian opponents, such as Benjamin Constant, who refused to compromise their political principles for the sake of expediency. This term, unlike "ideology," was infused with political connotations from the beginning. An ideologue was a person who adhered steadfastly to abstract principles in political affairs.

Today, "ideologue" retains much of its original sense, but this is not true of "ideology," which normally refers not to the study of

a belief system, but to the belief system itself. Moreover, the word "ideology," though coined by Destutt, has become known through the abusive treatment of Karl Marx, who viewed ideology as the product of a "false consciousness" which serves to rationalize class interests. Of course, Marx did not view his own ideas as emanating from the ideological bias of a false consciousness; *his* theory of socialism (he said) is scientific, not ideological.

Some followers of Marx have been more astute than their master, and it is not uncommon to find them treating Marxism as one ideology among many. Various non-Marxists, such as John Plamenatz, have also explored the concept of ideology in considerable detail, often with illuminating results. The term "ideology" has proved attractive to philosophers, sociologists and historians, primarily because it is specific enough to be meaningful but flexible enough to accommodate various modifications. (The term "paradigm" probably owes much of its popularity to the same reason.)

Generally, I use "ideology" to refer to a value-based belief system. More specifically, *an ideology is an integrated system of ideas which are connected, directly or indirectly, to a primary value commitment.* The major components of this definition are as follows.

By "idea," I mean any cognitive phenomenon or phenomena that are viewed subjectively as a single mental unit. Concepts, definitions, theories, beliefs, paradigms, and so forth -- whether simple or complex, whether one or many -- are called an "idea" when regarded as a distinct part (one unit) of an ideology. And this ideology itself, considered as a single mental construct, or unit, is also an "idea." Simply put, the term "idea," as used here, is to the inner world of abstraction what the term "thing" is to the external world of physical objects.

By "primary value commitment," I mean: first, a valuation that exists in the consciousness of a person, a value to which that person is subjectively committed; second, a value that is primary, i.e., fundamental within a given cognitive sphere (religion, ethics, politics, etc.). For the libertarian ideologue, individual freedom is the primary value commitment in the sphere of political theory.

By "integrated system," I mean an organized structure of diverse ideas, which are shaped into a self-contained unity according to their common relationship to a regulative principle. The system is functional, i.e., the parts contribute to the same overall end. The primary value, in the case of an ideology, is the regulative principle and unifying theme.

An ideology is the interpretative framework that enables us to

classify our social experiences and integrate them into consistent patterns. An ideology greatly affects how we perceive and respond to the social world of institutional relationships. Libertarianism, as an ideology, provides a conceptual framework that influences how we see social and political "problems," how we evaluate them, and which "solutions" we accept as legitimate.

Given this discussion of ideology, we may define an "ideologue," quite simply, as any person with an ideology. It is useful to distinguish between two kinds of ideologue: passive and active.

The passive ideologue, when he reflects, stands as an observer to a prearranged system. He accepts his ideological structure as given, as if the structure had emerged from the ideas themselves, spontaneously and with their justifications attached. This kind of ideology is normally shallow because it is derived second-hand. The passive ideologue is unable to control and structure his system, because he is unable to justify the ideas themselves, and his knowledge of those ideas, historically considered, is nonexistent. He has little sense of context; if an experience (say, a revolution) is personally unfamiliar to him, he will lack comprehension of the ideological function of the ideas based on that experience.

This account of the passive ideologue, though unflattering, is realistic. It is difficult to imagine someone who reflects on his ideology and yet, with that level of awareness, shows no interest in controlling its structure. This makes sense only if we assume that the passive ideologue does not interfere, because he cannot interfere; he lacks the detailed familiarity with the constituent ideas and so has no real understanding of their logical and historical interconnections.

This kind of ideologue recalls the opprobrium that often accompanies the label "ideologue." It suggests a person who is a slave to his ideas, simply reciting abstractions as dogma to cover complex situations. The passive ideologue, unfamiliar with his own ideas, cannot adjust to the appropriate context. This true-believer, whether Randian, Marxist or Christian, is unable to arrange or structure his ideas, so he must adhere to them religiously, as from a prefabricated system or text. The passive ideologue has a hierarchy of ideas, but this typically rests on a narrow pillar. Remove one idea and the entire structure might collapse.

An ideology should stimulate a greater range of depth and interest in every relevant discipline. The active (or critical) ideologue can extract valuable ideas from almost every original thinker, whatever his conclusions may be. A new idea is seen as an opportunity to expand and deepen one's structure of ideas. Not so for the passive ideologue, for whom every new idea is a

threat to his structure. Even a thinker who is sympathetic to his own values will often be neglected or shunned and no use made of his ideas. This system of the passive ideologue exists as a solid brick, unalterable, an all-or-nothing affair. He views the ideology of others the same way: he either accepts or rejects them in total.

The active ideologue, in contrast, has a reflective, critical attitude towards his ideas. His ideological structure is, in effect, a cognitive work of art. The constituent ideas may be borrowed from others, but their organization into an interconnected system is his unique and original creation. His lasting, reflective interest flows from the aesthetic appeal of contemplation and creation. Reflection may reveal new connections which occurred spontaneously; these he may leave as is, after critical evaluation, fully aware that the subconscious power of integration exceeds that of the conscious mind. (This subconscious process may be called tacit integration.) The active ideologue will eventually develop a disposition, or subconscious habit, of integrating ideas into his ideological structure. This is akin to the creative insight, in major cases at least.

Hence a basic function of an ideology is to provide an accessible and coherent structure for one's tacit knowledge. Such tacit knowledge will tend to sort itself out, according to the categories and connections of the ideology. Later this tacit and spontaneous ordering is examined and evaluated by the active ideologue.

All this requires a lasting, reflective interest in one's ideas. Much of this comes from the primary value commitment, which, as a thematic source, infuses a sense of significance to even the remote frontiers of one's knowledge and opinions. Even the process of ideological construction and revision, which never ends, will often motivate a reflective, critical attitude. The primary value commitment, therefore, functions as an ideological theme. It infuses a tone, or attitude, throughout the entire system, affecting each constituent idea to a greater or lesser degree, depending on the proximity of that idea to the primary value. The thematic effect of the primary value serves to unify the constituent ideas with a common significance or meaning. Even plain facts of history, when part of the ideological structure, inspire a high degree of interest in the ideologue. An idea, when part of an ideology, can embody, illustrate or exemplify the primary value, or it can increase the range of significance by linking the primary value to new facts and fields of inquiry. As more ideas are incorporated into one's ideology, those ideas become parts of the ideological whole, with a complex network of connections, first, to the primary value commitment and, second, to the other constituent ideas.

Hence the reflective interest in the primary value stimulates

interest in a wide range of knowledge. Like a ripple effect, the value-theme flows outward in all directions, infusing the reflective interest (i.e., the desire to understand) to the remote frontiers of knowledge. This reflective interest, since it originates in the understanding, is satisfied only in terms acceptable to the understanding, namely, the desire for truth.

The ideologue, therefore, should value truth above all else, because only a rational idea can fit into the ideology. He does not accept something as true because he wants to incorporate it; rather, he wants to incorporate it only if it is true and relevant. The possible relevance of an idea calls our attention to it, but the ability of that idea to withstand critical scrutiny is the ultimate test.

### **Liberology**

I shall conclude this eclectic essay with a modest proposal.

Libertarians, anarchists, and others with a lasting interest in the subject of individual liberty should institute a new field of study, a cognitive discipline that specializes in the study of freedom. I propose that we institute a science (i.e., systematic study) of liberty. I also suggest that we christen this discipline by giving it a distinctive name.

A logical choice presents itself. *Libertas*, the Latin word for liberty, is the root of our traditional labels -- "liberalism," "libertarianism," and the like. The systematic study of a phenomenon is commonly indicated by the word-ending "ology," as in "psychology," "geology," and so forth. If we link these stems -- one Latin, the other Greek -- we have a new word: *liberology*, the science of liberty.

As with many newly-coined words, "liberology" may sound awkward at first. When Auguste Comte introduced the word "sociology," it was attacked by some critics as a barbarous hybrid of Latin and Greek stems. During the 1960s, F.A. Hayek noted his dislike of the term "libertarian," but he conceded that modern advocates of liberty could no longer call themselves "liberals," as they had throughout the nineteenth century, because the original meaning had been lost; indeed, had degenerated into its opposite. In general usage (especially in the United States) a "liberal" denotes a person who favors more intervention by government, not less. Hence if we use the word at all, it must be qualified, as with "Classical Liberalism," which has become nearly synonymous with "libertarianism."

Liberology is the systematic study of the idea of liberty, as it is employed in the various cultural disciplines -- also known as the moral sciences, the humane studies, the science of man, etc.

These disciplines refer to the specialized fields of investigation that have, as their fundamental subject matter, some aspect of human action, i.e., behavior that is goal-directed and influenced by man's ability to reason and to choose among alternative courses of action.

Liberology, in substance if not in name, was developed throughout the seventeenth and eighteenth centuries, reaching its consummate expression in the synthetic system-building of Adam Smith, as we see in his "system of natural liberty." This, in essence, is what I mean by liberology. Therefore, in advocating liberology I am advocating the restoration of a neglected tradition -- one that was fragmented and ultimately destroyed by forces within and without. (To catalogue the many reasons for this would require an extensive treatment.)

Liberology is a matrix discipline that connects the cultural sciences by means of a conceptual common denominator, namely, the idea of liberty (or freedom). For the purpose of this analysis, I offer the following postulates of liberology, without suggesting that they are complete or comprehensive.

*(1) The idea of liberty, whether implicit or explicit, is of fundamental importance in every cultural science, i.e., every cognitive discipline that is concerned with voluntary human action.*

The idea of freedom, as it is used in a particular field of study, will profoundly influence: (a) how one analyzes problems and solutions within that discipline; (b) how one views other disciplines and evaluates their results, and ; (c) how one defines other key concepts (property, coercion, society, etc.); (d) how one treats the ideological aspects of one's subject matter. (For example, should historical figures who claim to act from a love of liberty be taken at their word or should this be analyzed as an ideological cover for self-interest? Or must the two motives necessarily be in conflict? )

*(2) The idea of liberty constitutes a methodologically useful connection between the cultural sciences.*

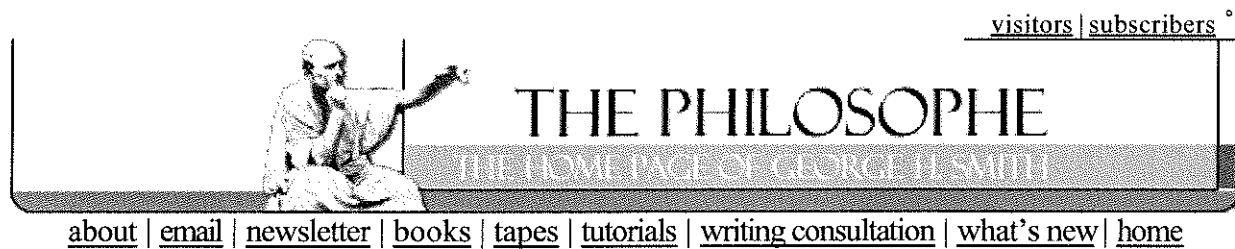
If the idea of freedom is used differently in different cultural sciences -- economics and sociology, for instance -- then knowledge of this fact may yield important insights into the tensions and conflicts between those sciences. If, on the other hand, different sciences employ the same concept of freedom, then this may enable us to integrate their methods and results into a comprehensive theory.

*(3) In order to understand the meaning of "liberty" and related terms, we must know something about their historical development -- the context in which they*



*originated and developed, the problems they were intended to address, etc.*

A theory, considered philosophically, exists in the universe of abstractions, independently of time and space. A theory is a network of constituent ideas which are united by logical relations. A theory, however, is expressed in words, the sign-symbols of concepts. The specific meaning of words is historically determined through conventional usage. We cannot assess the inner logic of a theory unless we understand the meaning of its primary ideas. Thus a logical analysis presupposes and depends upon the historically conditioned meaning of the constituent ideas.



© 2001 by George H. Smith