



LIBERTARIAN ANARCHISM:

WHY IT IS BEST FOR FREEDOM, LAW, THE
ECONOMY AND THE ENVIRONMENT, AND
WHY DIRECT ACTION IS THE WAY TO GET IT

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In reply to an email asking for biographical information about his life, education, interests and so on, Daniel C. Burton replied: "I'm just about to graduate from college. I get my degree in December (i.e. December 2000 — ed.), an A.B. in Computer Science from the University of California. Before that I attended Berkeley High School. Right now (November 2000) I'm looking for a job." Other Publications? "None so far." Has this piece been published by anyone else? "I gave someone permission to translate it into French and distribute it in France." Interesting — please expand. "It seems it's going to be on the EuroLibertarians web site at www.libertarians.cjb.net." Other libertarian battle honours? "I've been promoting libertarian ideas in the socialist stronghold of Berkeley, California, going on four years. I founded and was President of the Cal Libertarians at the University in 1996. About a year later I founded and was the chief organizer of the Individualist Anarchist Society. ... In the past I've been anarcho-communist, a state socialist, a liberal, a moderate, a left-libertarian, a minarchist, and an individualist anarchist. Luckily libertarian anarchism has taken hold longer than any of the others. I've considered just about every political ideology at some point besides Christian conservatism and neo-nazism. I've been interested in political ideas ever since I participated in the Berkeley High School model congress, where I got the first bill to legalize drugs through the

House of Representatives in the 17 years of the simulation." Any non-libertarian stuff that's of interest, and makes you sound like a human being as well as a libertarian? "I am a native of the San Francisco Bay Area. I was born in Oakland, California. I currently live with my girlfriend Luna, and her cat, Samson, in a converted warehouse and functional art studio, one floor above the Mother's Cookies Factory in East Oakland, a poor minority neighbourhood plagued by drug gangs and other problems typical of American inner-city slums. On the plus side it has cheap and great local Mexican markets. I like hardcore techno, industrial, dark-wave, and experimental music. Last summer, I toured Europe with S.P.A.Z., an anarchist techno DJ's collective. My favorite band is Crash Worship. The Master Musicians of Jajouka are also a source of inspiration for me. I wear mostly black and my hair colour is blue and purple. I like science fiction, especially *Doctor Who*, and wish I could be a professional time traveller. I like listening to talk radio, especially Dreamland, hosted by Whitley Strieber, and Coast to Coast AM, which used to be hosted by Art Bell. I'm ethnically Jewish, despite my non-Jewish last name, and I'm a Germanophile. I speak German, and I studied in Germany for five months. I almost didn't come back. Now, however, I am glad to be back in the laid-back and richly multicultural atmosphere of the San Francisco Bay Area."

The views expressed in this publication are those of its author, and not necessarily those of the Libertarian Alliance, its Committee, Advisory Council or subscribers.

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FOR LIFE, LIBERTY AND PROPERTY



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If you want more police brutality, corruption, government waste, higher taxes, more invasions of your privacy, and more restrictions on your civil liberties — then go ahead and vote for someone to rule you. Otherwise stop participating in the system that creates this by voting, and join me in resisting government — all government.

I used to be running for office and, like you, I used to think that voting could be an expression of the people's power that could change things for the better — but now I'm urging people not to vote at all. Now I believe in direct-action libertarian anarchism.

So what is direct-action libertarian anarchism? It is a form of both libertarianism and anarchism. In common with libertarianism, it advocates that people should be left alone to live both their personal and financial lives however they see fit. In common with anarchism, it is a form of complete opposition to the State. The "direct-action" component means resisting the acts of the State directly at the location where they happen, rather than trying to change the government through the ballot box.

Like all anarchists, I believe that legislation, though it may result from popular suffrage, nevertheless serves to protect the privilege of the few. Like libertarians, I believe that collective ownership of society's economic resources leads to neither freedom nor equality. Collective ownership necessitates a collective decision-making process, which, like legislation, creates a privileged few. All forms of collectivism destroy freedom and equality, because they place a privileged class of winners, who get the collective decision they want, above an underprivileged class of losers, whose desires are overruled. Collectivism also leads to a costly struggle over who is at the winning end that destroys the productive energy of society. This is why, fundamentally, I am an individualist. (Libertarian anarchism is a form of individualist anarchism.)

In common with both libertarians and anarchists, I don't think people need to be protected from themselves. I think that if people aren't fit to decide how to run their own lives,

then they certainly aren't fit to decide how other people should run theirs. People are generally a better judge of what's best for themselves than what's best for others; thus people should be allowed to live as they see fit, as long as they don't harm others. I oppose any restrictions on purely self-affecting behavior, or on any voluntary, consensual activity among a group of people. I believe, fundamentally, in pluralism and tolerance. Only through allowing different ways of living to exist, can we observe them and their affects on people, and make an informed decision of what is the best way to live ourselves.

DEMOCRACY IS NOT FREEDOM

We hear the words "freedom and democracy" together all the time, as if they go hand in hand, but democracy is not freedom. On a fundamental level democracy is antithetical to freedom. Democracy is the authority of the majority to vote away the freedom of the minority. In a purely democratic system, the majority could vote away freedom of speech, freedom of assembly, and freedom of religion.

Democracy and freedom are really two opposing sides in a three-way tug-of-war, of which the third side is dictatorship. Anarchists oppose both democracy and dictatorship and stand firmly on the side of freedom. They would oppose majority rule in principle, even if it were truly possible, but all too often democracy allows a small minority to violate the freedom of the majority.

The small group of leaders, committee chairmen, and agenda-setters in Congress wield considerable, sometimes almost dictatorial power. Because there is almost never one majority that all wants the same thing, merely many different minorities who want different things of varying degrees of similarity, those who set the agenda can play one group off against another for their benefit. By manipulating the order of votes, setting amendment rules and so forth, they can find different majorities that move things farther and farther in the direction they want, arriving at virtually any outcome. You can see this in the phenomena of "killer amendments", Christmas tree bills, and other strategic par-

liamentary devices. Thus majority rule would not be possible, even if it were desirable.

Democracies also tend to be dominated by small special-interest groups to a degree never imagined by the Founding Fathers of this country. When small groups stand to gain concentrated benefits from political action, they tend to have an easier time organizing than a general public standing to receive only tiny benefits for each person. Thus special-interest groups tend to get what they want, even if it is worth less to them than the cost to everyone else. Even when everyone belongs to some special-interest group, we all end up worse off as democracy destroys the value of society's creative effort.

Anarchy is really the only form of social organization compatible with freedom, either negative freedom from interference by others, or positive freedom to do what you want.

LAW IS NOT ORDER

We hear politicians tell us they stand for law and order — but law is not order. Some places with a lot of law, such as Nazi Germany, have had very little order. Other places with a lot less law have been far more orderly. Some laws, such as the Prohibition of alcohol in the 1920's and 30's produced decidedly disorderly results. In this case the law created a violent criminal underground. More law is no guarantee of more order.

Anarchists want to create a form of social organization with very little law, but a lot of order.

NOT ALL LAW COMES FROM GOVERNMENT

We are told that we need government to create law, and presented with a vision in which without some sort of legislature or centralized law-giving authority there is lawlessness. In fact, this is not where all law comes from. The most essential portion of our code of law was not passed by legislatures, or even created by government at all. The common law, which defines basic offenses such as burglary, murder, and rape, property rights, and liability rules, originated in its most basic form from a process entirely outside of government.

This code of law was not the result of legislation, but of an arbitration process designed to resolve disputes. Over time arbitrators recognized certain rules that were good at ending the dispute and diffusing the possibility of violence. Good rules that worked in similar circumstances were duplicated, and as social circumstances changed, rules were adapted and new rules were discovered.

Though never entirely uniform, this body of law was applied predictably enough to create order. It was law developed bottom-up, based on people's needs for peaceful interactions with others, as opposed to top-down like law passed by legislatures.

This type of law in general is known as customary law, as opposed to legislative or public law.

CUSTOMARY LAW CREATES ORDER, LEGISLATIVE LAW DISORDER

We are told that we need legislatures to codify law, so that it is well defined, but customary law is better defined than

legislative law. Customary law is based on concrete experiences with past situations, so that it is clear and predictable how it will be applied in the real world. Legislative law, on the other hand, is an abstract definition of offenses removed from real-world situations. It cannot be applied to the letter, because it is unclear exactly what that would mean, and even taken in their most literal sense, different parts of legislative law usually contradict each other. Even if legislative law could be enforced to the letter with an iron hand, it would not be sufficiently flexible to produce reasonable results in real-world situations. Legislative law is only saved to some degree by the ability of courts to interpret it, and make it more like customary law.

Legislative law creates disorder, not order, because like all aspects of government, it places the good of the few and special interests above the general welfare. It benefits the few at the expense of general public order. Customary law, on the other hand, comes into being in response to people's desire for orderly relations with others and promotes social harmony.

The expansion of government's power to define and enforce law has generally had at its root the desire of an elite to expand its power, not a need for order, and has been met by popular resistance. Let us take a journey back through history.

LAW IS NOT ALWAYS ENFORCED BY GOVERNMENT

Most people don't learn this at school, but before the 1830's, there were no public police forces in England or America. It was the responsibility of the victims of crimes to arrest the perpetrators and bring them to trial. There were no public prosecutors either. The victim was also responsible for presenting a case against the accused in court.

In England, it was the royalty that wanted public police forces and prosecutors as a means of expanding its power. There was no popular outcry for them to create public order. The popular masses feared that public police forces would create just the opposite, disorder. They feared that they would lead to a police state like that they had heard of in France, and disorder would result from random and arbitrary abuse of police powers.

There were already means of private policing and self-policing functioning that protected people from violence and upheld order, even in London, by then already an industrialized city with millions of inhabitants. People joined things called "societies for the prosecution of felons", which helped arrest criminals, provided representation in court, and also provided an insurance-like function by spreading the risk of having to bring criminals to justice out over many people.

The societies for the prosecution of felons published lists of their members to deter people from committing crimes against them, because people were far more afraid of these societies than they are of the police today. They provided better service to their members, because they had to compete for them. They couldn't afford to harass people instead of doing their job of protecting, like the police do today. If they did that, they would raise their costs and lose members to societies that provided protection more efficiently.

CRIMINAL LAW CREATES DISORDER

Looking even farther back, the criminal law itself was not established to create order, but to expand the power of the English royalty. Prior to the creation of criminal law, all offenses were civil ones, and the punishment was usually some sort of payment to the victim. (For the most serious repeat offenders, there was also the possibility of outlawing the offender, that is removing him from the protection of the law, even protection from murder.) This payment was a good deterrent, because it was much harder to escape than it is today. Someone could not simply evade payment by declaring bankruptcy, or by hiding his assets. One way or another, the perpetrators were forced to work to pay off their offense.

Criminal law was created as a way of directing these payments to royalty instead of to the victims of offenses. Now criminals paid fines to the crown instead of restitution to their victims. This expansion of government power was resisted fiercely by the victims of illegal acts, who had lost their compensation. The royalty had to pass laws against settling out of court with criminals for payments or the return of stolen goods, so that it could collect its fines. In doing so, it removed victims' incentives to bring criminals to court and see that justice was done. The result was a marked increase in violent, disorderly acts.

Criminal law creates disorder, because it removes the victim from the legal process. It gives them no reason to report crimes in the first place, because they gain no benefit from doing so. Civil law, on the other hand promotes order, because it centers around victims, and encourages them to participate in the process.

It is also a much better way of reforming criminals than putting them in prison and forcing them to be idle. Instead it makes them pay off their offenses by doing some kind of productive work.

Under a system of customary law, all offenses are civil ones.

LAW IS NOT ALWAYS JUDGED BY GOVERNMENT COURTS

It turns out that official courts with judges appointed by the government were also not created out of a need for public order. They first emerged as a way for Early Medieval Anglo-Saxon kings to expand their revenue and power, changing them from temporary wartime leaders to permanent peacetime rulers.

There were already other institutions for resolving disputes in place that had virtually all the features of customary law. At the very earliest stages of Anglo-Saxon settlement in England, public assemblies served as an optional alternative to self-enforcement of the law, and encouraged quarrelling parties to resolve their disputes through arbitration. In the very rare case that they could not do so, the assemblies did not judge the innocence or guilt of the parties, but tried one or both of them by an ordeal such as by water or hot iron. This may seem barbaric today, but at the time it was a legal innovation, by far preferable to blood feuds and outright physical confrontation. The only reason we have records of these ordeals at all is that they were used so rarely. Few people could write, so when they did take records, it was of things that were exceptional events.

The possibility of these ordeals had a deterrent affect that lead people to resolve their disputes by arbitration almost all of the time. This usually resulted in some sort of payment by the offending party. Where the king came in was by creating the fiction that offenses were actually against him and not the victim, by calling them violations of "the king's peace". The matter would then have to be decided in his courts, and part of the payment would go to him. Gradually kings found other ways to force people to use their official courts and make them pay for using them, but this also did not come to pass without popular resistance.

We have seen that at its earliest stages, the Anglo-American legal system had customary, not legislative law, was not enforced by government, and was not judged in government courts. This form of social organization is so essential in creating peaceful, harmonious relations, that it emerged spontaneously all over World. It is what existed in virtually all primitive societies, and some not-so-primitive ones.

Because it focused on resolving disputes, customary law tended to focus on individual rights and property rights. This lead to a very libertarian form of social organization, in which individuals had much autonomy in deciding both how they lived their personal lives and how they managed their economic affairs.

HOW WOULD THIS WORK TODAY?

In a society like the one we have today, you can imagine that people might hire private agencies to protect them from theft and violence, just like they buy utilities, like phone service, or auto insurance today. Each agency might agree in advance with each other agency on a private arbitrator to resolve disputes and a law that would apply between their customers. Various larger organizations might exist to represent many agencies and smoothen the agreement process between them, if needed, and if people desired some sort of uniformity in the law, various different standard codes of law might emerge.

The efficient size for such a protective agency would probably be small, since they would be service-based firms, like dentists and lawyers, and they would probably operate on the local level, serving unique niche markets. There would probably be more like 10,000 such agencies than ten or one hundred in an area the size of the United States. This would be more than enough that it would be impossible for them to all get together and become some kind of tyrannical government. While it might seem like it would be a problem to coordinate so many independent agencies, various things like the Internet already exist today, in which far more autonomous units manage to coordinate their activities with no central direction.

This is only one plausible way that a libertarian anarchist society might organize itself. The actual institutions that such a society developed would be the result of a spontaneous process that incorporates highly decentralized information about people's unique needs and desires, and produces uniquely appropriate solutions. Because this information is so inherently decentralized and distributed across society, no central planner can do nearly as well, and no social analyst can collect enough information to precisely predict what the people themselves will do.

The economic system resulting from this form of social organization in a modern society would be a free market economy. I have explained why government is not necessary to protect us from disorder, and I have explained why outright economic collectivism is a bad idea, but don't we need government to fix the problems with free markets? The rest of this text will focus on why that is also a bad idea.

PUBLIC GOODS

One thing people often want the government to do is provide things that cannot be sold to people individually on the market — things that can only be provided to a large group of people or to no one at all. The name for such a thing is a public good.

When private individuals do something that provides a public good, most of the benefit goes to people other than themselves, but they still pay all of the cost. Thus people have an incentive not to provide public goods in the first place. If people try to organize to provide public goods together, other people can free ride on their efforts, and benefit without paying the cost, so such efforts tend to fall apart. Smaller groups can overcome the free-rider problem, but the larger the group that benefits from a public good is, the more difficult it gets.

This is why some argue that the government should provide public goods. The problem with this idea is that getting the government to provide the public good is itself a public good. When you engage in political action to get a public good, most of the benefit goes to other people. By the very nature of a public good, government cannot provide it to those who organized to get it, without also providing it to others.

When you vote or organize politically for a good law that benefit almost everyone, almost all of the benefit goes to other people. Worse still, bad laws are not as much of a public good to those who desire them. Small special-interest groups that seek a concentrated benefit at the expense of the general public have fewer free-rider problems and an easier time getting what they want. Thus democracy allows small special interest groups to gain concentrated benefits when the cost is spread out diffusely over a much larger group. This happens even when the total value of the benefits to them is smaller than the total value of the costs to everyone else. When such a process is allowed to happen, the net result is a destruction of value.

Thus government has more of a problem with public goods than the market.

INEQUALITY

Even if government shouldn't provide public goods, shouldn't it do something about the inequality created by the market? Shouldn't it redistribute some wealth from the rich to the poor or provide some kind of aid to the needy?

There are several reasons why I am against trying to use government to combat inequality.

One is that when redistributions are allowed, the direction tends to be upward from the poor to the rich, not downward from the rich to the poor. Social Security, for example is funded by a regressive tax (you stop paying more after earning a certain amount of money) and more of the payments

go out to wealthier people, because they tend to live longer and collect them for more years. Thus, the net effect of Social Security is an upward redistribution of income.

The basic nature of government is to serve the privilege of the elite, and we cannot expect it to do otherwise any more than we can expect the market to provide everyone with equal wages.

Another reason I am against government redistributing wealth is that when redistributions are allowed, the struggle over who is at the receiving end is a costly process that tends to make us all poorer. As I pointed out in the discussion of public goods, small special interest groups tend to overrule the general public and benefit at its expense, even when the benefit is worth less to them than the cost is worth to everyone else. Multiply this effect a thousandfold, and we all end up with something worth much less than what we put in. Even if everyone is part of some special interest group, what we get is worth less to us than what we pay to support all the other special interest groups.

The last reason I am against government redistributing wealth is that, even if fewer people would give to the poor and needy voluntarily than are forced to do so now by government, this would more than be made up for by gains in efficiency due to competition in the market for helping people. Replacing the government monopoly on welfare with the choice of thousands of different ways of helping the poor and needy, whether through organized charities or direct personal support, would mean that those resources that did go to helping them would be used far more effectively (as is usually the case when collectivization of some industry is replaced by free competition). The poor and needy would still end up with more forms of aid that were more useful to them in a free market than with government support.

THE ENVIRONMENT

Even if government shouldn't provide public goods or redistribute wealth, surely the preservation of the environment is important enough that it should not be left up to the whims of individuals on the market, should it? Environmental problems are viewed by many as failures of the market, and they use this for a reason for government to step in. On a closer examination, however, the real problem is the failure of a market to exist in the first place, not a failure of the market.

The largest class of environmental problems stems from the reverse of public good problems. In this kind of problem, when somebody engages in a certain activity, instead of producing a benefit that goes mostly to other people, it produces costs that fall mostly on other people. This type of problem is produced when people have open access to some kind of resource, regardless of the effects on other people, and is known as the tragedy of the commons.

One example of this kind of problem is overfishing. The oceans are an open-access commons. Fishermen have access to fish in them on a first-come first-served basis. There are no restrictions on how many fish they can catch, but if fishermen catch too many, it affects the fish's ability to reproduce and replenish themselves. There will then be fewer fish for fishermen to catch later. When each fisherman catches fish it depletes the supply for everyone. He creates a

cost by fishing, but most of this cost falls on other people, so he goes on doing so. Thus, the tragedy of the commons produces too much fishing for the good of everyone, in reverse of public good problems.

The solution of the tragedy of the commons is to privatize the commons. Why do we run out of fish, but not of cows or chickens? The answer lies in the fact that cows and chickens, and the farms they are raised on are privately owned, but fishing waters are an open-access commons. On a farm, the owner can restrict access to his livestock. All the benefits from raising them go to him. All the costs from depleting the stock of animals also fall on the owner, so he has an incentive to keep the population high enough. The solution to the problems of overfishing on the oceans is to divide the oceans up into privately owned fishing grounds, just like the farms. The real problem is clearly not that the property rights of the market produce environmental destruction — it is that property rights have not been established in the first place.

Pollution is the same kind of problem. Pollution happens when the air and water are an open-access commons, when anyone can dump whatever they want into it (or when they can do so without paying the full cost to others). When somebody pollutes, it also creates negative affects (costs) that fall mostly on other people. Putting pollutants in the air people breathe and the water they drink is essentially like dumping a bunch of garbage onto everyone else's property. The solution for air pollution is to privatize the air, to let everyone who owns property also own the air around it. Then when someone emits pollutants onto that air, they are held liable to the property owners for the damages they have done to it. Similarly, the solution to water pollution is to allow people to own the water, and to hold people who dump things into the water liable to the damage to other people's property. Again, this is a problem caused by the non-existence of a market, not by a failure in the market. Once property rights have been established the problem goes away.

Property rights can stop over-logging as well as overfishing. When people own forests privately, they have to consider the loss in value to their property that will result from cutting down trees too fast. If they cut down all the trees right away, instead of leaving some to grow for later, their property will be worth less, and in the long run, they will be able to extract far less profits from logging. Private ownership of forests will prevent us from running out of trees, just as private ownership of farms keeps us from running out of wheat and other crops.

Property rights can even help preserve endangered species. When owners of land also own the animals on that land, they are bound to preserve their value as well. The American Buffalo was saved from extinction not by government protections, but by private breeders who were allowed to own and sell the animals. While buffalo became entirely extinct on public lands, private breeders were increasing their numbers. Every buffalo on public lands today is descended from one of these private herds.

Customary law helps preserve the environment by creating property rights. It diffuses the potential conflict arising from the tragedy of the commons by dividing up the commons. When people can engage in activities that create

costs for others, people are prone to respond with the threat of violence. Customary law resolves this conflict through a mediated solution, and that solution is individual property rights.

Not surprisingly, some of the worst environmental destruction has happened on publicly owned lands. Just as in every area of government, small concentrated special-interest groups are able to influence the policy over these lands more than larger, less concentrated groups and the general public. Timber companies have managed to capture the National Forest Service and use it for their own interests. They have managed to get logging roads built at costs above the profits from logging the trees they lead to and managed to clear-cut large sections of forest. Cattle ranchers have also managed to influence land policy and have been allowed to graze cattle even when it has been detrimental to the land.

When government enforces central controls over pollution, similar special-interest captures of the regulatory agencies are bound to occur. Small special interest groups that stand to benefit from polluting more at the expense of the general welfare, can get pollution levels set to high, too many permits to pollute issued, and emissions fees set too low.

Some environmental problems are also public goods, rather than the tragedy of the commons. The preservation of some ecosystems fits this pattern. The integrity of these ecosystems benefits large numbers of people, and this cannot be provided to each of them on an individual basis. Even though they could all benefit if they all subsidized the preservation of these ecosystems, individuals have an incentive not to do so and free ride on the efforts of others.

I have already talked about why it is a bad idea to try to use government to solve public good problems, and why doing so creates even worse problems. This applies to public goods in the environmental area as well. Getting government to protect the environment is itself a public good, but environmental destruction can benefit small, concentrated special-interest groups, and they are likely to get it through government at the expense of the general welfare. The only real way to solve environmental problems like this is to get people to act on their innate desires to help others. Government can only make these problems worse.

OTHER ECONOMIC TOPICS

There are many other topics in the economic realm, from monopolies to monetary policy to consumer safety regulation. I couldn't possibly cover all of them here, but if you've read this far, you can probably guess that even when the market doesn't do so well, the government tends to do worse. A good place to start in exploring libertarian anarchist ideas on some of these other issues is *The Machinery of Freedom* by David Friedman.

DIRECT ACTION, NOT VOTING OR REFORM

We might be better off without any government, but aren't we so far from an anarchist form of social organization that we should wait until we get a little bit closer to it to worry about our ultimate goal? Shouldn't we just try to reform the present government to make it a little bit less intrusive first?

I disagree with this strategy for several reasons. First, would you have joined the Gestapo in Nazi Germany in

order to try to use your position to save some Jews? I would say no, and most other people would say no as well. This course of action rightfully offends their most basic moral sensibilities. The correct response to an oppressive institution like the Gestapo, or like government in general (on a less extreme level) is not participation, but resistance. This is what I'm trying to get people to do — to resist government, rather than vote or participate in it.

As long as we work within the system, we are stuck inside of its dynamic. The same forces that make government serve the privilege of the few and keep us from running it to efficiently serve the public good will also keep us from abolishing it within its own set of rules. As long as we work within the system, we will have a harder time mobilizing the general public against government than the privileged few will have mobilizing to keep government around and maintain their privilege. Small special-interest groups that would rather have government around to redistribute wealth to them will have an easier time mobilizing than we will. Perhaps the hardest group to deal with will be the most powerful politicians, those who set the agenda, and would rather expand their power than see it taken away.

We might be able to reform government and eliminate some of its laws, but this won't reduce its basic power and authority to make laws in the first place. The basic power of government is not measured by the number of laws on the books. It is measured by the respect and authority that the laws it passes command. We cannot reduce this basic power of government in society by simply getting laws repealed. To do this, we must present a challenge that comes from outside of the system.

This kind of challenge can only come from direct action. Direct action means resisting the authority of government directly, rather than going through the political process. The most familiar form of direct action to most people is civil disobedience. Civil disobedience is completely overt resistance, and designed to draw attention and sympathy to a movement. Some of the most important forms of resistance, however, are not designed to be visible. Doing business in cash and not paying taxes on it is equally direct action, and strikes at the heart of government — the funding that supports it. Disobeying laws against marijuana, smuggling illegal immigrants across the border, and distributing food to the homeless without a government license are all also forms of direct action.

Once we break outside of what is officially sanctioned by the system, we may be able to overcome our problems in mobilizing our forces. About the only thing that is required to motivate people not to pay their taxes is that they don't actively believe that they have a social obligation to do so, and they suspect that they probably won't get caught. While self-interest gets in our way through public good problems in political action, self-interest can act on our side in a strategy of direct action.

Ultimately, we want to attack the very idea of majority rule (or any form of rule), which is why I am also against voting. Obviously, the government will not collapse simply from a lack of voters (we will never convince everyone), but abstention from voting can strengthen other means of striking at the power of government.

We might succeed at electing some libertarian representatives if we vote, but we will do far more good if we stay away from the polls and resist the government instead. An active resistance to whatever the government does will get people used to the idea that even a majority cannot pass and enforce just any law it wants. Instead of putting our effort into repealing laws, we will challenge their moral legitimacy. In this, we may succeed at doing far more damage to the democratic ideal itself than having libertarian representatives in office could ever do. We may condition people to restrain themselves in exercising their powers of majority rule, because they fear the upheaval that massive resistance to their laws would create. They may start to get used to a political culture in which they do not seek to control other people's lives so much. This is an important first step in establishing a libertarian society, because the force of habit can be a stronger force than ideology in preserving the status quo. What abstaining from voting adds to our resistance is a way to challenge people's moral sensibilities and change their habitual ways of acting.

In this way, not voting can be an important form of protest. It can also help draw attention away from political candidates and how they want to run our government, and to the basic question of whether we need a government in the first place. Just as third parties, though they rarely win office, can draw attention away from the Democrats and Republicans, and deliver a clearer message about the ideas of those who are alienated from both major parties, our non-voting form of protest can draw attention away from all political candidates. It can help us express our sentiments more clearly by shifting the political discussion outside of the context of elections.

Even if you don't engage in direct action, and merely tell one of two people why you didn't vote, you have helped plant the seeds of change. You have helped challenge people's way of thinking about their political alternatives, and helped change people's ideas. Even if no one who was a non-voting anarchist actively resisted the system, this would still result in change. Not everyone who encounters these ideas is either wholly converted or completely unaffected by them. The vast majority are partially converted before they take them on wholly, and a lot of them continue voting — so as more and more people become convinced by these ideas, we will not end up polarized into one block of non-voting anarchists, and another block of increasingly authoritarian voters who vote in increasingly intrusive laws. Most likely, as our numbers grow, the voters we are faced with will also be increasingly libertarian, and though the non-voting resistance will always be ahead of them, over time voters will try to impose less and less government on us.

Direct action and abstention from voting form the cornerstones of a strategy in which we can, over time, as our numbers grow, weaken the government's power and reduce its importance in society. As we reduce the importance of the political process, gradually special-interest groups will stop going through it to get their favors. This is something we could never achieve working within the system. No matter how many laws we repeal, as long as we continue working within the system, the political process will retain its importance.

FURTHER READING

The following readings may be of interest to those who want to explore these ideas in some more depth:

GENERAL

David Friedman

The Machinery of Freedom

Open Court, La Salle, 1989.

Friedman presents practical and economic arguments for both libertarianism in general and libertarian anarchism, which he calls anarcho-capitalism. Don't be fooled by this "capitalist" terminology. Friedman accepts that some sets of interventions in the market would be better than laissez faire capitalism, and then uses economic analysis of law to show why government can't produce those sets of interventions.

LAW WITHOUT THE STATE

Bruce L. Benson

The Enterprise of Law

Pacific Research Institute for Public Policy, San Francisco, 1990.

A complete defense of a legal system without the State from a public policy standpoint. Chapters 2 and 3 contain a more detailed description of the historical development of law that I mentioned in this piece.

John Hasnas

"The Myth of the Rule of Law"

Wisconsin Law Review, 199, 1995.

I haven't read it, but I have been to a lecture on the topic by its author. I am told it contains an account of how there can be no objective neutral interpretation of written law, how the concept of "rule of law" turns us into accomplices to oppression, and how a decentralized approach that spontaneously creates order is possible.

John Hasnas also recommends the following readings which I have not read:

Harold J. Berman

Law and Revolution

Harvard University Press, Cambridge, Mass., 1983.

Best and most accessible account of the nature of the early legal system and its decentralized nature.

Randy E. Barnett

The Structure of Liberty: Justice and the Rule of Law

Clarendon Press, Oxford, 1998, Part III.

An account of both how a restitution system can function to provide social order and a philosophical support of such a system.

Arthur R. Hogue

Origins of the Common Law

Indiana University Press, 1966;

2nd edition, Liberty Press, Indianapolis, 1986.

A good introduction into the nature and historical development of the English common law system.

R. C. Van Caenegem

The Birth of the English Common Law

Cambridge University Press, 1973; 2nd edition, 1988.

A somewhat more sophisticated account of how the common law system arose from Norman administrative institutions.

William C. Mitchell and Randy T. Simmons

Beyond Politics: Markets, Welfare, and the Failure of Bureaucracy

Independent Institute, Oakland, California, 1994.

An overview account of government failure.

THE ENVIRONMENT

Terry L. Anderson and Donald R. Leal

Free Market Environmentalism

Pacific Research Institute for Public Policy, San Francisco, 1991.

This book challenges the reader to rethink environmental policy, and shows how a market-based approach is essential to protecting the environment.

INDIVIDUAL FREEDOM, TOLERANCE, AND PLURALISM

John Stuart Mill

On Liberty

John Parker, London, 1859; Philosophical Texts series, Oxford University Press, 1998, and many other editions.

The classic philosophical defense of individual freedom in any activity that does not harm others.

DIRECT ACTION VERSUS VOTING

Samuel Edward Konkin III

The New Libertarian Manifesto

Koman Publishing, 1983.

A defense of revolution through direct-action tactics as opposed to political reform in achieving a libertarian anarchist form of a society. Konkin coined the term "counter-economics", a name for any form of direct action that benefits people on an individual level, especially underground economic activity.

Wendy McElroy

"Why I Would Not Vote Against Hitler"

Liberty, May 1996.

McElroy presents a concise argument against voting on both moral and practical grounds.

George H. Smith

"The Ethics of Voting"

The Voluntarist, Vol. 1, No. 1, 1982; Vol. 1, No. 2, 1982; Vol. 1, No. 4, 1983.

A longer philosophical argument against voting.