The Voluntaryist

Whole Number 82 *"If one takes care of the means, the end will take care of itself."* **October 1996**

Pursuing Justice in a Free Society: Part I—The Power Principle

By Randy E. Barnett

[Editor's Note: Because of its length, the second part of this article will appear in the next issue. The following excerpts were taken from the author's "Pursuing Justice in a Free Society: Part I—Power vs. Liberty," 4 CRIMINAL JUSTICE ETHICS, Summer/Fall 1985, pp. 50-72. Footnotes have been deleted, although they appeared copiously in the original. The author is currently the Austin B. Fletcher Professor, School of Law, Boston University. Reprinted by permission of the author and The Institute of Criminal Justice Ethics, 989 Tenth Avenue, New York, NY 10019.]

The Power Principle specifies that there must be:
(a) *one agency* per unit of geography (a "monopoly")
(b) that is charged with authorizing the *use of force* ("power") and that
(c) the monopoly itself must be *preserved by force* ("coercively").

Hence what I call the Power Principle involves a belief in the need for a "coercive monopoly of power."

The Justifications of Power

The Power Principle may rest on any number of different grounds. In fact, most differences among competing political philosophies concern only disputes about the way in which the belief in the need for a coercive monopoly of power should be justified. However numerous these justifications may be, they seem to take two general forms: negative and positive.

1 *The Negative Justifications of Power*

Power for negative purposes can be identified with the Right. This approach specifies that a coercive monopoly of power is needed to preserve "civilization" and prevent social chaos; that without a coercive monopoly of power, people will give in to their animalistic side and engage in a social "war of all against all." Thus, it is argued that, to avoid such social degeneration, a central authority must outlaw certain kinds of conduct: The forcible interference with person and possessions should be prohibited, to be sure, but also included should be sexual conduct (for example, prostitution, pornography, homosexual conduct, and extramarital sexual relations), conduct that encourages "anti-social" beliefs (for example, religious "cults," unacceptable books and music, manners of dress, and public assembly), and behavior that is "destructive of values" (such as drug and alcohol consumption, gambling, pool rooms, video arcades, and rock and roll).

The image that best describes the world the Right sees as ultimately resulting from the absence of a coercive monopoly of power is one in which people are fornicating in public places with heroin needles hanging from their arms. To prevent this there must be a boss: a President, a Congress, a Supreme Court, or a Moral Majority.

2 *The Positive Justifications of Power*

The power of the Left is to ensure some positive concept of justice. According to this view, resources must be distributed among individuals in society according to some formula or, to use Nozick's term, a "pattern." Resources must be held, for example, according to some criterion of need, desert, or desires, or all holdings must be "equal" or "efficient"—that is, distributed to their highest valued use. It is argued that without a coercive monopoly of power, actual distributions of resources will not be in accordance with the mandated pattern or principle.

Thus, in addition to prohibiting the forcible interference by some with the person and possessions of others, we must "regulate" economic transfers between individuals (e.g., by labor regulations, antitrust regulations, price or rent controls, and licensing schemes in various occupations), other social interactions (e.g., by quotas and affirmative action), consumptive activity (e.g., by food and drug regulation and the regulation of automobile design), and above all we must redistribute income (e.g., by tax and "welfare" laws). The image that best describes the world that the Left sees as resulting from the absence of a coercive monopoly of power is one in which unreconstructed Scrooge-like characters enslave or exploit helpless Cratchets and Tiny Tims at below subsistence wages in small, cold (or hot), dark rooms. To prevent this from happening, there must be a boss: a President, a Congress, a Supreme Court, or The People.

I have deliberately drawn each of these views as broadly as possible, so as to include most people somewhere. While ideologues exist on the Left and the Right, in the real world most people are "in the middle" in that they hold some mixture of these two general views. None of this is to say that all of the policies described above are unjustified or wrong or that these categories are inviolable. (Notice that the positive concern for efficient allocation of wealth is now

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The Terra Libra Coin Story

By David Dreas

[Editor's Note: In response to the "Auction" of complete sets of THE VOLUNTARYIST announced in Whole No. 75, I was sent a bid denominated in Terra Libra gold and silver coins. I was not familiar with this medium of exchange, and invited the minter of these coins to tell us the story of how and why he created them.]

Terra Libra is a loose confederation of like-minded free market supporters which was begun in the early 1990s. It was the brain child of Frederic Mann, a long-time libertarian who believed that if freedom was to be had in our times, it could be achieved by generating a profit for those who helped bring it about. In the summer of 1994, the first Terra Libra Freedom/Fortune seminar was held in Fort Collins, CO. As a result of attending the seminar, I was inspired to embark on an educational and business enterprise aimed at propagating the fundamental principles of individual sovereignty and voluntary association exemplified by the Code of Terra Libra. As a dedicated freedom advocate and collector of coins, I decided to combine these two interests by issuing my own commemorative gold and silver coins.

Traditionally, coins incorporate political, religious, or philosophical themes in their designs. This is a way of spreading the ideas and beliefs of the individual or group responsible for their production. I viewed the founding of Terra Libra as a freedom oriented historical event worthy of remembrance. Therefore I chose to use the Terra Libra symbol on my coinage as a way of commemorating and calling people's attention to the importance of the Terra Libra message. To minimize design and production costs, I kept their design purposefully simplistic. The obverse of both the gold and silver coins symbolizes the worldwide, border-free nature of Terra Libran association. The back of the coins bears a laurel wreath (which represents victory and heroism), the year of mintage (1995), and a statement of the coin's purity and weight (either 10 grams silver .999 fine, or 10 grams gold .999 fine. I had considered using the motto found on some colonial copper coins—"Value Me As You Please"—but settled on "X grams" because the gram of pure gold or pure silver is a preferred unit of accounting among many Terra Librans. It is the transaction unit used by those banking with Anthony Hargis in California (see Whole No. 36, February 1989 of THE VOLUNTARYIST for the Hargis story—"Private Money Firsts").

Once I had decided to proceed with my coinage project, I contacted some of the large, modern, efficient private minting businesses that produce coins, medallions, and tokens for today's market. I was sorely disappointed by their exorbitant prices, lack of flexibility, and available options. Since I was only producing a limited number of coins, their requirement of a large production run of several thousand coins was beyond my means. This caused my original enthusiasm and confidence in the viability of the project to all but disappear. Some months later at a Renaissance Fair I saw a man making customized coins. He was using simple two dimensionally engraved dies and an ancient, handcrafted, drop-weight type press to strike them. After witnessing this relatively primitive operation, I realized that it was indeed feasible to mint small production runs of personalized coinage at a reasonable cost.

All that was necessary was to find independent craftsmen who maintained low overhead and a love for their artistic work. I set to work designing my coin, and then found a die engraver who advised me on potential design problems. He also introduced me to a small, independent minter, who in turn introduced me to a reliable assayer. After many mistakes on my part, and patient guidance from my new associates, my first coins were produced in early July 1995. They were made on planchets (round coin blanks) of 0.836 inch in diameter (about the size of a U.S. nickel). Several experimental pieces were minted in bronze to see how well the design reproduced itself in metal. After correcting some minor defects, the first gold and silver coins were struck. In order to minimize expenses, both the gold and silver coins were made on the same dies. The only difference between the gold and silver coins are their thicknesses, the gold coin (.069 inch thickness) being the thinner of the two (compared to the silver coin's thickness of 0.115 inch). Using a current market value of gold at $400 an ounce, it would take $128.60 in federal reserve notes to equal the coin's gold bullion content (10 grams = .3215072 of a troy ounce). The silver coins contain about $ 1.75 of silver (valuing silver at $ 5.50 per oz.). Minting costs for the gold coin, depending on how many coins are produced at one time, run in the range of a 15% to 20% premium over bullion content. The premium for the silver coin is approximately 200% because of the relatively low value of the metal versus the cost of production.

These coins represent a way for me to introduce people to free market ideas. I use the silver coins in

my business as a way of saying thank you to my customers, for tipping at restaurants, etc. Both the gold and silver coins have been used in trade or barter for larger items. They also offer people a way of converting their wealth from fraudulent federal reserve notes into market-driven, hard money coinage. You might be interested in trading your fiat dollars for gold or silver or investing in my upstart coinage operation. Or I could produce personalized coinage of your own design. By relying on the sound economic principle of "good money driving out the bad," I am helping to spread the message of freedom and voluntary association. They are my way of "winning friends and influencing people," while reaping a personal reward. I also have the intense personal satisfaction of having produced my own coinage. Those wishing to contact me, may write in care of THE VOLUNTARYIST. Ⓥ

Paper: No Substitute for Gold!

The only sound monetary system is a voluntary one. The free market always chooses the best possible form, or forms, of money. To date, the market's choice throughout the centuries, wherever a free market for money has existed, has been and remains gold and currency redeemable in gold (and occasionally silver). This preference will undoubtedly remain until a better form of money is discovered and chosen. Until then, prices should be denominated not in state fictions such as dollars or yen or francs, but in grams of gold. Anyone might issue promissory notes as currency, but the acceptance of such paper certificates would then be an individual decision, and risks of loss through imprudence or dishonesty would be borne by only a few individuals by their own conscious choice after considering the risks. Critical to the understanding of the wisdom of such a system is the knowledge that private issuers of paper against gold have every long run incentive to provide a sound product, just as do producers of any product. As a result, risks would be minimal, as the market would provide its own policing. Thievery and imprudence will not disappear among men, but at least such tendencies in a free market for money would not have the potential to be institutionalized, as they are when a state controls the currency. From a macroeconomic viewpoint, occasional losses resulting from dishonesty or imprudence would be extremely limited in scope, as opposed to the nationwide disasters that state controlled paper money has facilitated throughout history, which have in turn had global repercussions. As ELLIOTT WAVE PRINCIPLE put it, "That paper is no substitute for gold as a store of value is probably another of nature's laws."

—Robert R. Prechter, Jr., AT THE CREST OF THE TIDAL WAVE, New Classics Library, Gainesville GA 30503-1618, Published 1995, p. 359.

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associated with some on the Right. And recently something amounting to a new wave of puritanism on the Left can be observed emanating from the feminist movement.) Rather, the point is (a) that the belief in the correctness of these policies usually results from subscribing to one of these world views or some mixture of each; (b) that both positions view the natural result of individual choice to be bad; and (c) that both views arrive at essentially the same means—a coercive monopoly of power—to pursue their fundamentally different ends.

Problems with the Power Principle

So what? What is wrong with implementing a coercive monopoly of power to solve the myriad problems of society? Some important answers to this question lie beyond the scope of this article or the expertise of its author. However, the Power Principle contains certain inherent defects that, while not unknown, are normally ignored, probably because a coercive monopoly of power is so widely thought to be necessary that any difficulties it creates—even those of the most fundamental and serious nature—must simply be accepted as inevitable problems of social life. I shall here consider four difficulties: The first three are practical while the last is a moral one.

1 *Practical Problems with the Power Principle*

Believers in the Power Principle base their support on some version of the following factual assumption: Human beings are either essentially corrupt or corruptible, or they will, if given a chance, try to gain unfair advantage over each other. The sources of this belief are as varied as the believers. They range from the biblical notion of "original sin" to a "scientific" view of individuals as ruthless welfare maximizers. Whatever the source, adherents to the Power Principle conclude from this assumption that there must be a coercive monopoly of force to prevent this attribute of human behavior from creating the various social problems described in the previous section.

The practical problems with the Power Principle arise not because this assumption about human conduct is necessarily false. In truth, it is a quite plausible account of one tendency of human behavior. Rather, problems arise because the Power Principle is incapable of solving the problem for which it was invoked.

Indeed, the Power Principle cannot work because of the very problem it purports to solve.

An understanding of the practical problems with the Power Principle must begin with the observation that adherents to the Power Principle always invoke it for some purposes, but not for all purposes.

They invariably claim that only certain purposes and not others can and should be effectively pursued by means of a coercive monopoly of force. (Only a committed totalitarian would maintain that such a monopoly should be used for *any* purpose whatsoever.) The problem for adherents to the Power Principle, however, is to show how the monopoly, once it is created, will be used to achieve only the "appropriate" ends. Not only has no society that has resorted to the Power Principle ever been successful at so limiting its use—virtually all have ended in tyranny; there are several good reasons why no society could ever be successful in the long run.

Who gets the power? Let us assume that it is true that human beings are either essentially corrupt or corruptible or that they will, if given a chance, try to gain unfair advantage over each other. Advocates of the Power Principle are immediately faced with a difficulty: Who is to get the power? Whoever it is must be a human being, so whoever is put in charge will be (by assumption) "essentially corrupt or corruptible or will try to take unfair advantage over others."

It would seem, therefore, that the proposed solution to the assumed problem is nothing short of folly. For the human beings who are put in control of the monopoly would have a far greater capability for corruption and advantage-taking than they would have as ordinary citizens. Whatever corruption or advantage-taking these people engage in is likely to be far greater than they would be able to engage in if deprived of their power. And by granting some a capability for greater gains from corruption and advantage-taking, the incentives for such conduct are greatly increased, thereby increasing both its frequency and its severity. In other words, given their capacity for corruption and advantage-taking, bad human beings are more dangerous with power than without it. The Power Principle, then, appears to immediately aggravate the very problem it was devised to solve.

Even if we soften the starting assumption so that it now specifies that only some human beings are essentially or potentially corrupt and then posit that only the good human beings will be put in charge of the monopoly, we still need a practical way of distinguishing the good people from the bad people. We have to specify those people who are to decide who gets the power and how to obtain and disseminate the information needed for them to distinguish the good from the bad. Some might argue that electing rulers for fixed terms is the best way to make such decisions. Even assuming that this method produces the correct initial allocation of power, however, it runs afoul of several further problems.

> "Always do right. This will surprise some of the people and astonish the rest!"
>
> —Mark Twain

How do you maintain power in the hands of the good? Let us assume that the problem of who gets the power is somehow solved; that a way is discerned to select only (or mostly) the good people to hold power. Perhaps an election is held and the electorate makes the correct choice among potential rulers. A second practical problem now arises: How do we keep the evil people from eventually wresting control of the monopoly from the good? Remember—we started with the assumption that all or perhaps many people are corrupt or will try to take unfair advantage over others, for which reason we need a coercive monopoly of force. However, the solution provided by the Power Principle solution creates an enormously attractive target of opportunity for those people in society who wish to take advantage of others, which might be called the "capture effect."

Maybe some of the bad people excluded from power will be content to try to privately exploit their fellow human beings. Inevitably, however, at least some of the more entrepreneurial of these people will recognize the enormous profit potential that would be derived from controlling the monopoly and publicly exploiting others. All that would be required to reap these profits is a strategy for capturing positions of power from those who currently possess it. The number of such strategies would be great. One obvious strategy that has been employed often— especially in societies where rulers rule for indefinite periods—is simply to take over the monopoly by force. This strategy, however, entails considerable risks for those who would employ it. A much safer approach would be to assume the posture of a good person and get into power in a legitimate way (assuming that some such option exists). Or, alternatively, good people in power could be corrupted through bribery.

This last tactic reveals yet another very serious flaw in the power approach: the "corruption effect." Power itself has a corrupting influence. People who start out as good can become advantage-takers simply because, as monopoly holders, the temptations to do so are great and the risks of being caught are small. So, even assuming power has been allocated to good people, these people may not remain good for long.

The inherent instability of the Power Paradigm can be analogized to that of the policy of mutual assured destruction. Once a sufficiently serious mistake is made, the game is up. With nuclear weapons we risk the destruction of the planet. With the Power Paradigm we risk the institutionalized and legitimized misuse of power. Given the perquisites of power, bad rulers can be locked in place requiring nothing short of a revolution to remove them. What is the likelihood of forever making the correct choices in this winner-take-all game of picking rulers?

Another, most serious problem of a system of elections is that it must give rulers a very short-run perspective. Rulers, especially those who rule for fixed

terms, have no way of capturing the long-run benefits of their policies. Good rulers will not survive to see the long run unless their policies appear to be working in the short run. Bad rulers must plunder while the plundering is good.

Finally, the balloting solution to the problem of who gets the power is itself undercut by our initial assumption that human beings are essentially corrupt or corruptible. For only human beings vote. A unanimous vote is a practical impossibility but, if anything less than unanimity is required to elect a ruler, the majority can (sooner or later) be expected to vote out of corrupt or advantage-taking motives. Saying that a constitution will solve this problem—the problem of "the tyranny of the majority"—is also unrealistic. Judges must interpret and enforce a constitution, and judges are also human beings, with the result that they would form a "tyranny of the judiciary."

The legitimacy of the power holders Having failed to solve the problem of corruption and advantage-taking, the Power Principle exacerbates the problem still further by what might be called its "halo effect." A coercive monopoly of power would not be (peacefully) established unless most people in society were convinced that the creation of the monopoly of power is the right or expedient thing to do. Therefore, those who wield this power will possess not only power but something that may be more helpful to their pursuit of advantage-taking than power alone could ever be: They will have legitimacy. That is, their use of power will be perceived by most to be at least presumptively justified.

This "halo effect" obviously makes the assumption of power by the wrong people even more dangerous than just giving them a monopoly would be, because, for a variety of reasons, many good people will hesitate to oppose the "duly constituted authority." Perhaps they do not know the facts of the situation and therefore presume that those in power are correct, or perhaps they can see some personal advantage to a particular use of power against another, or perhaps they fear the consequences of "civil disobedience." Whatever their motives may be, this natural conservatism greatly increases the potential for corruption and advantage-taking .

It can be seen from this brief discussion that the Power Principle cannot solve the question of who gets the power without setting up an infinite regress (of sorts) of enhanced incentives for corruption and advantage-taking. The reason for this is that the weakness of human beings is exacerbated by a monopoly of power, but there is no other species that can be put in control of the monopoly. Therefore, one must forever propose "higher" authorities to ensure that subordinate authorities remain honest. One could posit that God (or a group of gods) would divinely rule the human rulers. I shall not here consider the practical problems with this approach.

The source of the unending problem with the Power Paradigm is its hierarchical and vertical approach to the problem of corruption and advantage-taking. No matter how high you build your hierarchy of power, there is simply no one to put on top of the hierarchy who will not himself be potentially corrupt. The answer to human corruption must, therefore, lie elsewhere. The next version of the Power Paradigm, though flawed, suggests that a more promising avenue is a non-hierarchical or horizontal approach to power.

Federalism and the Separation of Powers as a solution to these problems with the Power Principle One attempt to deal with the problems created by the Power Principle is to create an oligopoly or a "shared" monopoly of power. This scheme preserves a monopoly of power but purports to divide this power among a number of groups, each having limited jurisdiction over the others. So, for example, there might be a division of powers between groups of people known as "state officials" and others called "federal officials." Or there might be a separation of powers between some people called "legislators" and others called "judges" or "executives."

The object of such schemes is to create so-called "checks and balances." This is a good idea. The problem with the Power Principle is not the recognition of the legitimate use of force or power itself. Those who reject the Power Principle are not necessarily pacifists—that is, they do not reject any right to use force under any circumstances. Rather, the root of the problem with the Power Principle is its adherence to a *monopoly* allocation of power with all the attendant problems discussed above. It is this that the Federalist and the Separation of Powers strategies are trying to address.

A formal separation of powers is unquestionably an improvement over other versions of the Power Principle—witness the experience of the United States—but eventually similar results are reached (though these results may not develop as quickly or be quite as severe.) This is because this scheme, for all its advantages, still preserves the unearned legitimacy of power and coercive barriers to entry. However many power centers are created, they remain in control indefinitely, short of a revolution.

Even in the beginning, since each has the other by the throat, no one is willing to squeeze too hard. Eventually entrepreneurs of power—master politicians, judges, executives, or outsiders called "special interest groups"—figure out a way to teach those who share the monopoly that it is in the interest of each to cooperate with the others in the use of force against those who are outside the monopoly. This process may take some time, but gradually what is originally conceived of as "checks and balances" eventually becomes a scheme more aptly described as "you don't step on my toes and I won't step on yours" or "you scratch my back, I'll scratch yours." And, when this result is

reached, the Power Principle continues to provide these rulers with the legitimacy that makes corruption and advantage-taking all the easier.

The separation of powers strategy is a good idea, but one that is not taken quite far enough. What is needed is the recognition of genuinely separate powers within the same geographical area—a horizontal division of power with as little unearned legitimacy attached to each agency of force as possible. Such a system would provide real checks and balances. How such a system might function will be discussed in Part Two of this article.

2 *The Moral Problem with the Power Principle*

The moral problem with a coercive monopoly of power can be briefly described: The Power Principle posits a fundamental *inequality* of human beings. Those in power are thought to have qualitatively different rights than those who are not—that is, rulers have rights that subjects may never possess. By virtue of their monopoly status, at the very least they allegedly have the right to put competitors out of business, a right that is denied to other so-called "private" citizens. And most power schemes accord them the right to collect "taxes" to fund their activity—that is, to seize the property of others by force without the others' prior consent or wrongdoing—another right that is denied all people. Many grant them the right to obtain "conscript" or semi-slave labor for certain purposes— such as war-making or jury selection.

Some schemes even accord those in power such arcane rights as the right to specify that people must accept monopoly script in return for their labor or property—known as "legal tender" laws—and the sole right to run certain businesses, such as the delivery of writings and packages, the driving of buses, or the picking up of garbage. Other schemes accord them the right to grant monopoly "franchises" to sell grain or to provide television or telephone services. Some give them the right to restrict access to certain occupations. Anyone who becomes a taxi driver, lawyer, or hairdresser without the approval of those who hold the monopoly may be fined or imprisoned. The potential that these powers have to induce the corruption and advantage-taking described above is here quite obvious.

In the next section I will try to give content to the claim that all persons have rights and also trace what the contours of these rights might be. But even if such a proposition can never be affirmatively demonstrated (although I am not suggesting that this is in fact the case), those who advocate a coercive monopoly of power to solve the problem of corruption and advantage-taking bear a heavy burden of proof. They must demonstrate that some people rightly hold power over others. The pursuit of this justification has spanned centuries, indeed—millennia of political theory. Thus far this claim remains unjustified. No moral theory attempting to justify a legal hierarchy among healthy adult human beings—such theories as "divine right," "social contract," or "natural law"— has yet succeeded in doing so.

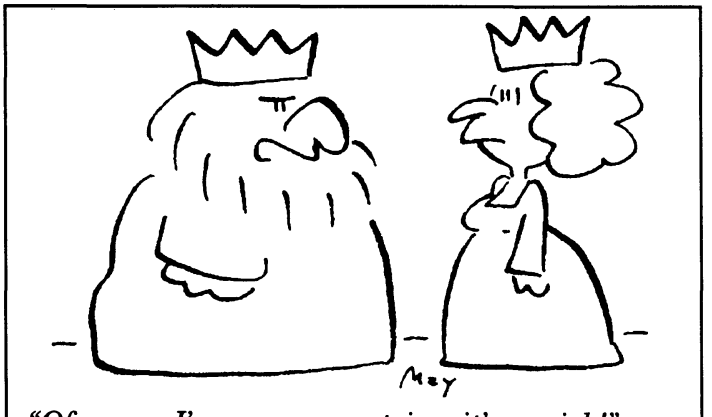
3 *Conclusion*

Adherents to the Power Principle have devised a rather peculiar way of dealing with the problem of human corruption and advantage-taking. They advocate giving some human beings a monopoly on the use of force, thereby elevating some human beings to a higher moral and legal status than others.

But no one can be sure to whom to give this monopoly. And, assuming that the initial allocation is made correctly, the alleged solution creates an irresistible target of opportunity for anyone in society who wishes to exploit another, and who is clever or ruthless enough to devise a way of capturing the monopoly that has been created. The monopoly also poses grave temptations to the good to become less than good—in short, the alleged solution to the problem of corruption is itself a most potent corrupting influence. Finally, in this scheme those who possess the monopoly, as a practical matter, are presumed to employ it properly, thus enhancing the ability of some to use the monopoly to take advantage of others.

While the shared monopoly concept gradually succumbs to the same problems as the pure monopoly concept, it succeeds both in highlighting the genuine problem with the Power Principle—the creation of the coercive monopoly of force—and the genuine solution to the problem of corruption and advantage-taking: a non-monopolistic system of force which could provide genuine checks and balances, but of a far more sophisticated variety than can be provided by any constitution. And the moral problem of inequality inherent in the Power Principle points the way to another facet of a genuine solution: an effort to craft a scheme of rights and obligations that all people can equally claim.

One must be careful to avoid attributing historical inevitability to the grave problems posed by the Power Principle. The argument presented here is that the Power Paradigm is inherently unstable and pernicious, as compared with a non-monopolistic legal order that will be described in Part Two of this article. V



"Of course I'm on a power trip—it's my job!"

Limited Government versus 'Anarchy'

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draw a line and reasonably defend our decision?

The plain fact is that we do not know and cannot know what the future holds. But from what is already known, we cannot reasonably rule out the possibility that social evolution will continue and that entrepreneurial provision of our common services will evolve—*even as free-market means of feeding, clothing, sheltering and getting ourselves about have evolved in the last 300 years.*

With that background, let's now come to the question of *limited government* versus *anarchy* and which term, if either, a thinking person could adopt as his philosophical badge. (And so as not to let it cloud our minds, let's try to leave out of account the fact that anarchy, as popularly understood, is a pejorative term, bringing to mind images of terrorism.) Baldy Harper, Leonard Read's first associate at FEE and later founder of the Institute for Humane Studies, looked at it in a way that I find attractive. He had no more idea than the man in the moon whether we or our descendants will ever actually see a "total alternative," as he put it, to political—tax-supported-government. But he pointed out the importance of holding the *ideal* clearly in mind as a heuristic device and a compass to help us keep moving always *in the direction of freedom*. The analogy he used was that of the north star and the mariner who steers by it. The mariner doesn't expect to reach the star. But, steering by it, which is a process entailing innumerable small decisions and self-corrections—not one of which he could make without the star—he eventually reaches Liverpool. We need a transcendent ideal always in mind, Baldy would say, to help guide our everyday decisions that determine whether or not we keep on our heading toward freedom.

That's why I'm less than fully satisfied with the ideal of "limited government." Whether mankind will ever regain the completely free society we know he enjoyed at the pre-state level, where the authority of the village headman was the same *in kind* —i.e. authority over his person and property and not that of anyone else—as that exercised by the poorest member of the village, it will probably not be for you or me to know. But while we live, *let perfect liberty be our guiding star.*

The "limited government" concept cannot serve reliably as a guiding star because it is relative; *any* government at virtually *any* time or place in the world is limited with respect to some other government, real or imagined, that might be named. So we must ask—limited by comparison with *what*? The same criticism is often leveled at the label "conservative." Conserving what? Neither of those two could serve as a north star to keep us to a true heading toward a totally voluntary society—which heading may or may not be asymptomatic. So Baldy Harper was an idealist—for the most practical of reasons.

My grandfather, Spencer Heath (1876-1963), a close friend of Baldy Harper, was likewise a practical man. He had not one but a series of successful careers—engineering, law, manufacturing (his plants in Baltimore turned out more than three-quarters of the propellers used by the Allies in World War I), and horticulture. Finally, at age 55, he retired to his country place outside of Baltimore and for the next 30 years devoted himself entirely to philosophy—primarily with reference to science and society. I am currently collecting and organizing his papers for publication on CD-ROM. In the course of this work recently, I came across the following paragraphs which bear on the point of this discussion.

> Every thoughtful individual entertains ideals of goodness, truth and beauty—absolutes towards which he can move and aspire but which his own limitations forbid him ever fully to attain. And these conceptual absolutes are no less valuable for their being only relatively and never absolutely attainable. They afford no final goals, but they do establish the directions in which the affairs of men can lead them into endless yet never perfect realizations of their hopes and dreams.
>
> It is the same with the institutions of men. Unless they are ideally conceived as moving towards absolute and hence unattainable goals, there is no ideal guidance, no certain direction, for limited yet ever-expanding achievement towards absolute ideals.
>
> This power of conceiving ideals, this subjective conceptual capacity that knows no limitations or bounds, this power of conceiving the Absolute as God, is what distinguishes the spiritual, the creative, from the merely animal, the unregenerate man. This unlimited power to dream, this inspiration of the Divine is the key to man's creative power.

Eslewhere he was even more pointed:

> Practical considerations forbid that we should look on these (or any) ideal conceptions as goals or end conditions completely attainable in themselves. Their vast value lies not in their attainment but in their orientation of our energies consistently in the *direction* of these ultimate ideals.

Bumper, are you listening? If so, help me find a better word than "anarchist" (it repels me as being sterile and negative) or a briefer way of stating Baldy Harper's position. Baldy didn't have an all-encompassing word, but he wasn't beating any drums for government, limited or otherwise. He would explain, without any flap about it, that he was drawn to the vision of a "total alternative" and was always on the lookout for breakthroughs in thinking and social technology that might move us in that direction. V

In Search of a Word Limited Government versus 'Anarchy'

By Spencer H. MacCallum

Bumper Hornberger, once remarked in a letter to me that in early life he had called himself an "anarchist" but that now he endorsed the concept of "limited government." He indicated he'd had many discussions leading to his change of mind, discussions that had pretty thoroughly covered the field, he felt, and now he wanted to put his attention elsewhere. I was puzzled but didn't pursue it, as Bumper hadn't invited me to and, in any case, I had no wish to divert his attention from the demands of the Future of Freedom Foundation which he and Richard Ebeling were just getting well launched.

What Bumper's discussions covered I may never know, but the value of holding the ideal of a "total alternative" to political government, as Baldy Harper, founder of the Institute for Humane Studies at George Mason University, once put it to me, seems so profound, as well as wholly unobjectionable, that I feel not so much an obligation as an aesthetic resolve to marshal some thoughts on the matter.

As prelude to the discussion, however, let me put forth one fact that doesn't enter into the argument but that is not irrelevant, either. Many people are now of the opinion that it has been demonstrated both practically and theoretically that taxation, however commonly indulged in, is unnecessary at the local community level. This lack of any compelling need for taxation was shown practically by the experience of the two English "Garden Cities," Letchworth and Welwyn (described in my article in REASON, April 1972), and by developments in real-estate in this country which I documented in THE ART OF COMMUNITY (Institute for Humane Studies 1970). As to theory, the proposition has been exhaustively analyzed by economist Fred Foldvary in his PUBLIC GOODS AND PRIVATE COMMUNITIES: The Market Provision of Social Services (Edward Elgar 1994). This raises an interesting question. If it doesn't offend either experience or reason to contemplate altogether voluntary alternatives to the present political administration of community services at the local level, are such alternatives not conceivable at *all* levels of society? For those who are inclined to say categorically no, the challenge for them is to identify where the line shall be drawn. If on some scale private alternatives are both possible and practical, *at what scale* do they cease being so, and *why*? The prospect of mankind outgrowing government *as we know it*, i.e. financed by non-market means, can no longer be dismissed as pure fantasy.

To elaborate just a little further: if proprietary administration of common services works in a regional mall, which is a real community of landlord and merchant tenants representing a kaleidoscopic play of differing interests and views, then it might work as well on a somewhat larger scale, as in a "new town," which can be a complex of residential, commercial and industrial uses. In fact, we find that it does—as in the British cities of Letchworth and Welwyn and as approximated in Disney World in Florida. And if it works now on the scale of neighborhood and town, might it not ultimately work on a broader scale through towns and proprietary regional associations cooperating. In principle, is there any point on a graduated scale of size that we can point to and say, at this point *proprietary* administration can no longer work; at this point we must embrace *political* administration? Is there any place we can

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