The Voluntaryist

Whole Number 93 *"If one takes care of the means, the end will take care of itself."* **August 1998**

Why I Write And Publish THE VOLUNTARYIST

By Carl Watner

As I compose this article, I have only a few more issues of THE VOLUNTARYIST to write and publish before I reach No. 100. Once completed, that effort will have spanned nearly seventeen years of my life. During that time I have been imprisoned for forty days on a federal civil contempt charge (1982); married Julie (1986); witnessed the homebirths of our four children; operated two businesses here in South Carolina (one of them a feed mill, I have been running since my marriage; the other, a retail tire store and service center I took over in early 1997); have been responsible for the building of our family's house; and participate in the homeschooling of all our children. Although THE VOLUNTARYIST has been an important and constant part of my life all this time, the first article that I wrote and published preceded THE VOLUNTARYIST by nearly a decade. It was "Lysander Spooner: Libertarian Pioneer" and appeared in REASON Magazine in March 1973.

As I reflect upon my writing career. I recall one of my very first self-published monographs—TOWARDS A THEORY OF PROPRIETARY JUSTICE. In it there was a piece titled "Let It Not Be Said That I Did Not Speak Out!". There is obviously something in my mental-spiritual-physical constitution that needs a publishing outlet. It is important to me to set forth my ideas, especially when they are so very different from the vast majority of people that I associate with most of the time. If everyone seems to be heading toward a precipice, they need to be warned. If I am pushed and shoved along with them, even if I am powerless to stop the crowd, it is important to me and my integrity that some record be left of my resistance and of my recognition that we are headed toward danger. "Let It Not Be Said That I Did Not Speak Out!" was published in 1976, and appears now in the pages of THE VOLUNTARYIST for the first time:

> When the individuals living under the jurisdiction of the United States Government awake to political reality, they are going to find themselves living in government bondage. Every act of government brings us closer to this reality. The only logical future is to expect life in a socialized state. Henceforth, to be a citizen will mean to be a slave.
>
> To speak the truth without fear is the only resistance I am bound to display. To disseminate without reserve all the principles with which I am acquainted and to do so on every occasion with the most persevering constancy, so that my acquiescence to injustice will not be assumed, is my self-assumed obligation.
>
> The honest among us realize that the resort to coercion is a tacit confession of imbecility. If he who employs force against me could mold me to his purposes by argument, no doubt he would.
>
> The alternative is then simply living by the libertarian principle that no person or group of people is entitled to resort to violence or its threat in order to achieve their ends. This means that everyone, regardless of their position in the world, who is desirous of implementing their ideas, must rely solely on voluntary persuasion and not on force or its threat.
>
> Individuals make the world go round; individuals and only individuals exist. No man has any duty towards his fellow men except to refrain from the initiation of violence. Nothing is due a man in strict justice but what is his own. To live honestly is to hurt no one and to give to every one is due.
>
> ... Justice will not come to reign unless those who care for its coming are prepared to insist upon its value and have the courage to speak out against what they know to be wrong.
>
> Let it not be said that I did not speak out against tyranny.

As much as any other piece I have ever written, it probably best explains why I have devoted so much time to THE VOLUNTARYIST over the years. There is an episode in Ayn Rand's ANTHEM in which the protagonist, Equality 7-2521, discovers a room full of books, someone's personal library, that had escaped the book-burning that undoubtedly had accompanied the creation of the collectivist holocaust in which he lived. It was among those books that he rediscovered the word "I" which had disappeared from the current lexicon. My hope is that THE VOLUNTARYIST message—that a non-violent and stateless society is both moral and practical—will survive, just like the books that Equality found. Hopefully, if someone in the future finds copies of THE VOLUNTARYIST newsletter or the anthology that I am proposing to publish (see accompanying article) they will help to

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The Voluntaryist

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The Myth of American Liberty:

Book Review of William J. Novak's THE PEOPLE'S WELFARE: Law and Regulation in Nineteenth-Century America

By Carl Watner

William J. Novak, a history professor at the University of Chicago, has documented "America's long history of government regulation in the areas of public safety, political economy, public property, morality, and public health." In his book, THE PEOPLE'S WELFARE, he challenges the myth of American liberty. This book argues that "the nineteenth-century Jeffersonian world of minimal government, low taxes, absolute private property, individual rights, self-interested entrepreneurship, and laissez-faire economics" never existed. (ix) Instead of a night-watchman state, the 19th Century was the era of many localized police states. As Novak explains

> A distinctive and powerful governmental tradition ... of a well-regulated society dominated [the] United States from 1787 to 1877. [It had] deep and diverse roots in colonial, English, and continental European customs, laws, and public practices .... At the heart of the well-regulated society was a plethora of bylaws, ordinances, statutes, and common law restrictions regulating nearly every aspect of early American economy and society, from Sunday observances to the carting of offal. These laws [were] the work of mayors, common councils, state legislators, town and county officers, and powerful state and local judges .... Taken together they explode tenacious myths about nineteenth-century government (or its absence) and demonstrate the pervasiveness of regulation in early American versions of the good society: regulations for *public safety* and security (protecting the very existence of the population from catastrophic enemies like fire and invasion); the construction of a *public economy* (determining the rules by which people would acquire and exchange food and goods); the policing of *public space* (defining common rights in roads, rivers, and public squares); all- important restraints on *public morals* (establishing the social and cultural condition of public order); and the open-ended regulatory powers granted to public officials to guarantee *public health* (securing the population's well-being, longevity, and productivity). Public regulation—the power of the state to restrict individual liberty and property for the common welfare—colored all facets of early American development....
>
> These laws, this regulatory tradition and this vision of governance—what I collectively refer to as "the well-regulated society"—are the subjects of this book. (1-2)

The basis of the well-regulated society was found in the Tenth Amendment to the United States Constitution, and in the constitutions of the states that had been adopted into the federal union. The Tenth Amendment reserved to the states all powers not explicitly delegated or prohibited to the federal government under the Constitution. The most important political power reserved to the states under the federal constitution was their sovereign right to use violence and force to curtail the activities of individuals whose property threatened the general welfare of their respective communities. "Police power" was defined as government actions for "the promotion and maintenance of health, safety, morals, and general welfare of the public. It [was] grounded in the belief that an overriding public interest of general, widespread benefit asserts a superior claim over private property and individual activity." In English and American jurisprudence the "police power" formed the basis for all governmental restraint and regulation of life and property.

The police power as an element of statecraft traces its roots back to the common law of England. Although libertarian legalists, such as Lysander Spooner have viewed the common law sympathetically, Novak's analysis utterly destroys the idea that the common law could be a bulwark between government encroachments and individual liberty. Novak points out that "two of the most influential common law maxims formed the basis for American police regulations. They were: *salus populi suprema lex est* (the welfare of the people is the supreme law) and *sic utere tuo ut alienum non laedas* (use your own so as not to injure another). These were the common law blueprint for governance in a well-regulated society." (42) The first maxim, *salus populi*, made it possible for jurists and legislators to consistently uphold the public interest over private interests, or as New York Chancellor James Kent put it, "Private interest must be made subservient to the general interest of the community." (9) The other maxim, *sic utere*, provided the basis for most regulatory legislation and nuisance law. Lemuel Shaw, Chief

Justice of the Massachusetts Supreme Court, summarized Anglo-American jurisprudence's view of the police powers and the state in his 1851 decision in Commonwealth v. Alger:

> We think it is a well settled principle, growing out of the nature of well ordered civil society, that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it may be so regulated, that it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community. *All property in this commonwealth ... is derived directly or indirectly from the government, and held subject to those general regulations, which are necessary to the common good and welfare.* (emphasis added) Rights of property ... are subject to such reasonable limitations in their enjoyment, as shall prevent them from being injurious, and to such reasonable restraints and regulations established by law, as the legislature ... may think necessary and expedient.... The power we allude to is ... the police power; the power vested in the legislature by the constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the constitution, as they shall judge to be for the good and welfare of the Commonwealth. (19-20)

Thus, the common law of England, which was brought to North America by the English colonists, nurtured the deep roots of economic regulation found in the United States during the late-18th and 19th centuries. There were virtually no areas of life left untouched by the police power of the state. For example, between 1781 and 1801, the New York state legislature specifically enacted laws regulating many forms of economic behavior: hawkers and peddlers; rents and leases; mines; ferries; apprentices and servants; travel, labor, and play on Sunday; the exportation of flaxseed; the inspection of lumber, flour, beef, and pork; inns and taverns; attorneys; doctors; and sales by public auction. "There [was] no such thing in American jurisprudence as a vested right to buy and sell. No business, occupation, trade, or economic activity ... was ever immune from the state's police powers for the protection and promotion of public safety, morals, health, comfort, and welfare." (111-112) An example of the extremes to which this regulation went may be found in the public marketplace concept of the 19th Century. Public marketplaces originated in the exclusive prerogative of the English king to establish marts and fairs for the public benefit. They were upheld by the English courts on the basis of "the preservation of order, and prevention of irregular behavior." In America, public marketplaces "were created to ensure an adequate supply of wholesome, fairly priced food and provisions accessible to the general population." (96) In some cities, like Philadelphia, "all provisions brought to the town for sale could only be sold at public market. Provisions sold elsewhere were subject to

Replacing Government with Voluntary Action

In modern society, people everywhere are born into an area "ruled" by some government. By law, citizens at their maturity become supporting, tax-paying members of that government. Attempts to withdraw, or failure to pay support-taxes, result in imprisonment or fine. ... [Nevertheless, some Americans] have advocated replacing government with voluntar[y]ism. ...

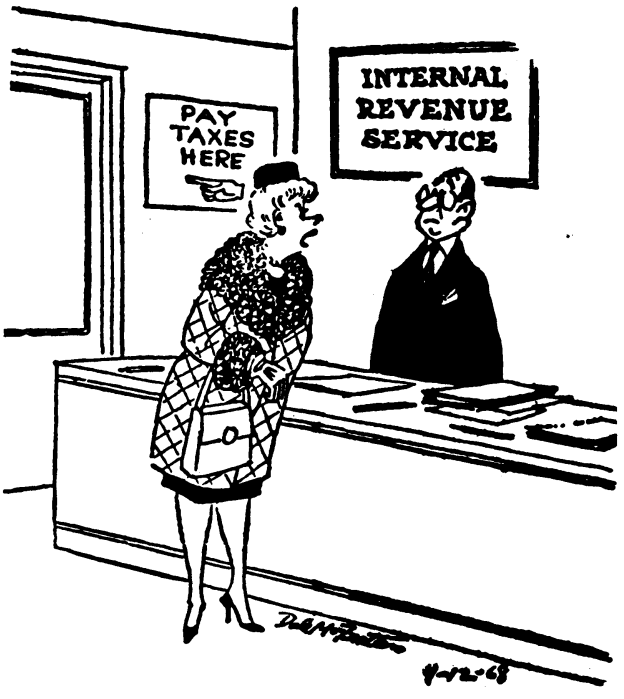
From about 1790 to 1930, America produced a group who believed, taught, and demonstrated that all human activities and all organizations should be voluntary—that even defense need not be governmental and coercive. They worked hard to free the economy of monopoly and exploitation in order that crime would be reduced, and the need for defense would fall to a minimum.

Persons holding these beliefs and practices sometimes call themselves "individualist anarchists." Examining the root meaning of anarchy, we find that "an" means no or none, "archy" means rulership. Thus "anarchy" means no rulership or *enforced* authority. Anarchy does not mean chaos and disorder. ...

The terms *anarchist*, *anarchism*, and *anarchy*, have been used so loosely that their specific meaning of no enforced authority has been obscured. Anarchists do, of course, believe in authority, and in leadership, and in organization—all voluntary and unimposed. It is an error to use "anarchy" to mean chaos, or mere hostility to the status quo.

True anarchists hold that individual choice is primary to maturity and responsibility. For this they hold that private property is essential, that is, for courageous dissident beliefs or actions, a person must be beholden to no one—neither to employer nor group nor government. For such independence, he needs a place of his own, inviolable and private to himself, from which he can produce his own survival, and from which he cannot be excluded for speech or actions that harm no one. To ensure widespread private property, individualist anarchists work to remove all forms of privilege and monopoly that centralize property, ownership, and control into the hands of a few people.

—Mildred J. Loomis, ALTERNATIVE AMERICAS, (1982) pp. 34-35.



"I no longer care to do business with you. Kindly take my name off your mailing list."

forfeiture, ... The clerk of the market was empowered to seize all unsound and unwholesome provisions." (97) "To leave unregulated something as central to the general welfare as the supply of basic foodstuffs was an abdication of public responsibility." (96)

The protection of public health and the food supply were primary duties of political sovereignty, and were sanctioned by the common law from time out of mind. Governments provided street cleaning and paving, a safe water supply, and a gamut of regulations on noxious slaughterhouses, temperance, burials, building construction, midwives, sewage, garbage disposal, vital statistics, hospitals, and the policing of epidemics and communicable diseases. Local boards of health became the first real administrative agencies in this country, and they had the power to exercise summary jurisdiction over their subjects. "They were one of the first political entities to be delegated independent discretionary police powers concerning quarantines, appointment of inspectors, the abatement of public nuisances, and the punishment of violators of their ordinances as criminals." (203) Quarantine officers, whether landed or marine, had powers of arrest, imprisonment, imposition of fines, and levying of liens. Quarantines, and their accompanying police actions, were sometimes compared to a declaration of war or martial law, and quarantine officers were sometimes said to hold more power than the President of the United States. Local health boards and inspectors held broad powers to "discover, isolate, and sometimes destroy homes, buildings, and property deemed capable of spreading disease." (212) They were given the summary power to remove and destroy buildings and property as health nuisances. Health officers often forcibly removed the sick to county fair grounds; impressed horses, carriages, and assistants to help them; and seized private homes, buildings, and even hotels for conversion into temporary municipal hospitals. (214)

A court case evolving out of events in New Jersey in the early 1870s demonstrates the power of public health and nuisance laws. After notifying the company that it was in violation of a city nuisance ordinance which prohibited the emitting of noxious and unwholesome smells, city officials of Jersey City raided an offensive fertilizer plant and rendered it inoperative by removing some of the parts from the machinery used to grind baked blood into fertilizer. The company claimed "unreasonable search and seizure, the taking of property without due process, deprivation of trial by jury, and taking of property without compensation." The courts sustained the city's raid on the fertilizer works. First of all, the Jersey City charter included the power to declare and remove nuisances, and to sell seized property at the public yard of the city. Secondly, the jurists declared that, under the common law, nuisances may be abated by either individuals or public officials. The offending "property may be destroyed and the owner deprived of it without trial, without notice, and without compensation. Such destruction for the public safety and health, is not a taking of private property for public use ... in the sense of the Constitution. It is simply the prevention of its noxious and unlawful use, and depends upon the principles that every man must so use his own property so as not to injure his neighbor, and that the safety of the public is the paramount law. These principles are legal maxims or axioms essential to the existence of regulated society. *Written constitutions pre-suppose them, are subordinate to them, and cannot set them aside."* (emphasis in original) (227)

"A little light pushes away much darkness."
—Ancient saying of the Jewish sages.

Under the common law, "no man is an island unto himself." There is scarcely any form of behavior or use of property that does not somehow affect the public or the public's interest in a well-ordered community. Consequently, "[t]he regulation of public morality played an absolutely central role in 19th Century American life." Many people believed that the absence of moral restrictions in the law would throw "society into disorder and confusion." (151) State legislatures authorized local community governments to pass laws concerning adultery, fornication, solicitation, incest, bigamy, polygamy, bestiality, sodomy, obscenity, lewdness, keeping bawdy houses, Sabbath breaking, church attendance, Sunday travel, profane swearing, blasphemy, the keeping of gaming houses, participation in cockfighting, and every "public show and exhibition which

outrages decency, shocks humanity, or is contrary to good morals." Fines, imprisonment, licensing, inspection, prohibition, search, seizure, and summary abatement of moral nuisances were all used by state officials to control people's behavior and use of their property. (155)

Noteworthy among the sumptuary restrictions created in early American law were those involving the production and use of alcoholic beverages. Such laws traced themselves back to municipal and manorial restrictions of 14th Century England. The right to manufacture, consume, or sell whiskey, rum, or other liquors was never viewed as a natural right in early America. In 1847, when the United States Supreme Court upheld local license laws, it "concluded unanimously that liquor licensing was an appropriate exercise of state police power," which "conflicted with neither property rights, guarantees of contract, or the commerce clause of the Constitution." (172) One Illinois jurist wrote that, "A government that did not possess the power to protect itself from moral evils like liquor, lotteries, and gambling would scarcely be worth preserving." Or as one 20th Century legal historian put it, "Free enterprise in liquor, lottery tickets, gambling, and sex never much appealed to 19th Century judges." (156)

Public nuisance laws, like the moral regulations embraced by most communities, were "one of the most potent regulatory weapons in the common law arsenal." (157) Under the common law, a man's home had never been thought of as his castle. The law of overruling necessity, based on a long line of English cases, clearly established that "in cases of calamity, such as fire, pestilence, or war, individual interests and right would not inhibit the preservation of the commonweal. Thus private houses could be pulled down or bulwarks raised on private property without compensation when the safety and security of the many depended on it." (72) There was no recognition or respect for private property when the public's interest was at stake. "Necessity knows no law," and in the interests of preserving the State, the common law "often made it necessary for individual injuries to go unredressed in the common interest." (72)

Nowhere was this attitude and practice more prevalent than in 19th century fire regulations. Uncontrolled fires were considered one of the most destructive of all elements in a community setting. Colonial and early American history is replete with instances of large fires in cities getting out of control and destroying much of the community. Fire regulations in New York City originated under Dutch rule in the 17th Century. Ordinances prohibited wooden or plaster chimneys, straw or reed roofs, hayricks or hayracks, and required each household to have a ladder, buckets, and keep their chimneys clean. By 1813, these regulations had evolved into a complete fire code. Police and fire officials were given the authority to compel the services of the citizenry to fight fires. Additionally, the mayor and aldermen were given the special power to direct the destruction of buildings to prevent the spread of fire. "Inspectors were authorized 'to enter into and examine all dwelling-houses, lots, yards, inclosures, and buildings of every description within the said city, to examine and discover whether any danger exists therein'." (57-58) Fines, imprisonment, forfeiture, abatement, summary destruction, and seizure were also elements of the law. "Private prosecutions accompanied by forfeiture provisions were also commonly used tools, turning every citizen into a potential police officer and prosecutor." (58)

> "Withdrawing in disgust is not the same as apathy ... ."
>
> —from the movie, SLACKER

From his research of 19th Century case law, Novak cites several legal decisions relating to fire safety regulations. They are of particular interest for they demonstrate that state and public officials exercised just as much power then as their counterparts do today. Two court cases from the early 1830s will suffice to illustrate. In Wadleigh v. Gilman [12 Me 403 (1835)], the Maine Supreme Court upheld the right of city officials of Bangor to destroy a wooden structure. The building fell under the grandfather clause of the fire-limit ordinance, which exempted pre-existing wooden structures. However, when Wadleigh moved the building, city officials classed it as new construction in a new location, and demolished it as being in violation of the prohibition against new wooden structures. Wadleigh sued them for trespass and breaking and entering. The city officials justified their actions under Bangor's fire regulations. They were found innocent, and neither they nor the city were held responsible for the destruction of private property. The justice deciding the case noted that city authorities should "take such measures, as may be practicable, to lessen the hazard and danger of fire. No city, compactly built, can be said to be well ordered or well regulated, which neglects precautions of this sort." (68) The court recognized that a violation of individual rights was occurring, but justified their decision by stating: "Though restrictions on private conduct 'may sometimes occasion an inconvenience to the individual,' compensation comes from 'participating in the general advantage'. Police regulations were 'within the scope of the legislative power, without impairing any constitutional provision.' Such a police regulation was not a taking or an appropriation of property requiring compensation—it merely regulated such property's enjoyment." (68)

The second case stemmed from the events occurring during the Great New York City Fire of December 16, 1835. Mayor Cornelius Lawrence in consultation with Chief Engineer James Gulick decided to use gunpowder to destroy a number of

private buildings in order to create an artificial firebreak in an attempt to stop the raging fire. The owners of these buildings sued the mayor and city in order to collect money for their destroyed buildings and the contents thereof, but their efforts ultimately proved futile. The courts held that destruction of the buildings was not a taking of private property, but rather an act of public necessity. "The private property of any individual may be lawfully destroyed for the relief, protection, or safety of the many without compensation to the owner thereof." The court held that the destruction of the property was not a "taking" under the law of eminent domain, but rather an act of necessity, "which is founded upon principles which are above or beyond the reach of constitutional restrictions." In simple terms, "the New York Court of Errors held that nothing in the federal or state constitutions kept governmental officials from blowing up valuable private property without compensation when the 'public interest' necessitated it." (77)

"Instead of Molotov cocktails, prefer Gandhi cocktails; that is to say a mixture of truth, courage, love, humor, and imagination."
—Hare & Blumberg, LIBERATION WITHOUT VIOLENCE (1977), p. 61.

The cases spawned in the aftermath of the New York fire of 1835 helped establish the precedent that local, city, and state governments need not reimburse individuals for private property taken under the law of overruling necessity. A noted legal author, John F. Dillon, wrote in his 1881 text that "The rights of private property, sacred as the law regards them, are yet subordinate to the higher demands of the public welfare. *Salus populi suprema est lex.* Upon this principle... an individual or municipal officer may raze or demolish houses and other combustible structures in a city or compact town, to prevent the spread of an existing conflagration. This he may do independently of statute, and without responsibility to the owner for damages he thereby sustains." (79) Another commentator, Thomas Cooley, observed that fire limits might look like the "destruction of private property" but they were really "a just restraint of an injurious use of property'." (80) He explained: "Here the individual is in no degree in fault, but his interest must yield to that 'necessity' which 'knows no law.' The injury to the individual was *damnum absque injuria* (an injury without a remedy) under the reasoning that 'a private mischief shall be endured rather than a public inconvenience.' The higher prerogatives of the common law often made it necessary for individual injuries to go unredressed in the common interest." (72)

Some of the 19th Century cases that Novak cites starkly demonstrate statist logic in its most convoluted form. An 1833 New York State Supreme Court decision, Village of Buffalo v. Webster (10 Wend. 99 [1833]) upheld the right of the municipal authorities to prohibit the selling of meat outside of the public market. Webster's attorney argued that "the local by-law was 'bad, as unreasonable and improperly restraining trade'." Chief Justice Savage "distinguished illegal restraints of trade from illegitimate public regulations, observing that 'a by-law that no meat should be sold in the village would be bad, being a general restraint; but that meat should be not be sold except in a particular place is good, not being a restraint of the right to sell meat, but a regulation of that right'." (299-300) Another Louisiana case, three decades later, demonstrated the same perverted logic. In the State of Louisiana v. William Fagan (22 La Ann 545 [1870]) the Court stated its belief that regulation of trade was not an invasion of the individual's right to trade. "Liberty is the right to do what the law permits. 'Freedom does not preclude the idea of subjection'. On the contrary, it presupposes the existence of some legislative provision, the observance of which insures freedom to one, by securing the like observance from others." (Novak 231) (22 La Ann 555)

The problem with this reasoning is that it is illogical and incorrect. Liberty is the absence of molestation and aggression. Of course, if you allow the state to define the law, then nothing that the state legislates will be considered (at least by the state and state officials) to be aggressive or violating the liberty of its subjects. You also come up with such hairsplitting as calling laws not a "restraint of the right to sell meat," but rather a "regulation of that right." Fortunately, there were a few 19th Century

The State

By Ernest Howard Crosby

They talked much of the State—the State.

I had never seen the State, and I asked them to picture it to me, as my gross mind could not follow their subtle language when they spake of it.

Then they told me to think of it as of a beautiful goddess, enthroned and sceptered, benignly caring for her children.

But for some reason I was not satisfied.

And once upon a time, as I was lying awake at night and thinking, I had as it were a vision,

And I seemed to see a barren ridge of sand beneath a lurid sky;

And lo, against the sky stood out in bold relief a black scaffold and gallows-tree, and from the end of its gaunt arm hung, limp and motionless, a shadowy, empty noose.

And a Voice whispered in my ear, "Behold the State incarnate!"

(From PLAIN TALK IN PSALM & PARABLE, 1899)

jurists who saw through these obfuscations. In Beebe v. The State of Indiana (6 Ind 501) of 1855, the Court questioned the State of Indiana's attempt to regulate the liquor trade. Justice Stuart argued that "Abstractly, free traffic in liquor is as much a right of private property as free traffic in flour, or corn, or [other] merchandise. *If it is admitted that to conserve the peace, safety, and well-being of society, the traffic may be regulated or restrained in any degree, then the whole point of the controversy is conceded. In the abstract, all government is tyranny—all political discretion is despotism—all interference to regulate the enjoyment of private property is an invasion of that right."* (emphasis added) (6 Ind 535) A Georgia case (Bethune v. Hughes, 28 Ga 560, 73 Am Dec 789) four years later, pretty much summed up the voluntaryist outlook on state regulations and prohibitions: "Fetters are equally galling whether imposed by one man or by a community; ...." But even the jurist who penned these words backtracked when he concluded that his sympathies were with the man who "claims the right to offer for sale, at any hour of the day, on the highway or in the streets, as interest or inclination may prompt him, any commodity which he may possess, *the traffic which is not forbidden by the laws of the land."* (emphasis added) (73 Am Dec 793) His concluding proviso destroys the voluntaryist sentiments. For once one concedes that the laws of the land may restrict trade in certain commodities, one has already assumed a state with power to assert itself over individual rights.

I have always argued that, in principle, one State is just as bad as another. If the choice is between two States, of course, we might prefer living under the less totalitarian State. Nevertheless, the fact still remains that the only difference between a less totalitarian and more totalitarian State is one of degree. There is no difference in principle: both assert and exercise similar powers. The myth of American liberty would have us believe that the American Revolution resulted in a new and different kind of State—one dependent on the consent of the people. But the truth is entirely different. No common law theorist ever believed that people could opt out of the State if they did not consent to its existence or that any society could ever exist without the State. The colonial separation from Britain did not create a state of nature; nor was it intended that the State should disappear. There was never a perceptible break in the actual continuity of governments during the revolutionary era. Royal authorities were replaced by provisional governments in every state. As Walter Lippmann wrote in ESSAYS IN PUBLIC PHILOSOPHY (1955, pp. 67-68): the revolutionists and Founding Fathers did not revolt against the authority of the State, but rather against "the abuse of authority.... Far from wishing to overthrow the authority of government ... they went into rebellion first in order to gain admittance into, and then take possession, of the organs of government."

If any reader of this newsletter needs proof that the common law has given great power to the State and that the 19th Century American states exercised just as much political power as their 20th Century counterparts and successors, they need search no further. The evidence is found here, in great abundance.

[Editor's Note: All parenthetic page references refer to Novak's book, unless otherwise noted.]

Why I Write And Publish

continued from page 1

re-kindle, re-discover, or elaborate the ideal of a totally free market society. One doesn't need to be a pessimist to see that those ideas might one day disappear. Even in our own time, only a small part of the population embraces libertarian ideas; and only a small number of libertarians would consider themselves voluntaryists—people who reject voting and the legitimacy of the State. Even the individualism of several centuries of American history is in danger of being obliterated by State propaganda. With luck, THE VOLUNTARYIST will play some small part in preserving a record of those times in history when men were free to act without State interference, and were self-confident enough to know that the State possesses no magical powers.

May knowledge and wisdom come to those who read THE VOLUNTARYIST. Long live voluntaryist ideas.

A Fund Raising Appeal

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subscribers. My hope is to repeat these efforts by raising enough money to typeset and print THE VOLUNTARYIST anthology. Unfortunately, most of the articles have not been saved on disk, so they must be scanned or re-typed. Perhaps, a small commercial publishing house might be found to print and market the book. Failing that, my intention would be to self-publish the book, marketing it to libraries, individual subscribers, and libertarian booksellers. From this vantage point, it is impossible to know the total amount needed, but from past experience I estimate costs for both typesetting and printing to be in the range of $3000 to $5000, depending on the number of copies actually printed.

If you are interested in this project, please support it by sending a donation. Those who contribute $50 or more will receive an autographed copy of the finished book, at no further cost to them. If any funds are left over they will be used, pro rata, to extend the subscriptions of those making donations. Those wanting to see the titles of articles chosen for the anthology, may obtain the complete list by sending $2 cash and a No. 10 self-addressed envelope. Input from readers and subscribers is certainly welcome.

A Fund Raising Appeal for THE VOLUNTARYIST Anthology

By Carl Watner

For almost a year now, I have had the idea of publishing an anthology containing the best articles from the first 100 issues of THE VOLUNTARYIST. I have mentioned it to a number of friends and long-time subscribers, and each one has thought it a worthwhile idea. Tentatively the anthology will consist of articles categorized into the following topics: Statement of Purpose; Voting, Strategy, and Non- violence; Personal; Voluntaryist Solutions to Social and Economic Problems of the Past; Robert LeFevre—Freedom School; Money and Economics; Voluntaryist Critiques of Government; Book Reviews; Schooling and Children; Anarcho-Capitalism; Miscellaneous; a complete Table of Contents for the first 100 issues; and possibly a Topical Index.

The beauty of an anthology is that the most important and significant articles appearing in THE VOLUNTARYIST over the last sixteen years would be bound together in one volume. This collection would be unique in many ways. First of all, there is no other body of literature that embraces the methods and strategy of THE VOLUNTARYIST. Voluntaryists are the only ones who reject electoral politics and voting - on the grounds that such activities support the legitimacy of the State. Whether you embrace nonviolent strategies on moral or practical grounds, the ideas of Thoreau, Gandhi, and Robert LeFevre certainly offer an alternative to "politics as usual." The historical articles that have appeared in THE VOLUNTARYIST deal mostly with examples of how people have lived without the State at various times in history. Many of the critiques of the American government can be found nowhere else, because few libertarians have analyzed the legitimacy of American government. Another reason that the anthology will be unique is that over time, as editor of THE VOLUNTARYIST, I have tried to choose and publish classic essays in voluntaryist thought. Many of these, such as John Pugsley's "The Case Against T-Bills and Other Thoughts on Theft," Harry Browne's "A Visit to Rhinegold," and Randy Barnett's "Pursuing Justice in a Free Society," will be preserved in this anthology. In book form those ideas will be more usable and accessible to individuals than in the single issue format in which they originally appeared. In short, I believe the anthology is a valuable expenditure of time and money.

Readers may be familiar with similar publishing projects that I have engaged in over the years. Both A VOLUNTARY POLITICAL GOVERNMENT: Letters from Charles Lane, and TRUTH IS NOT A HALF-WAY PLACE: A Biography of Robert LeFevre were self-published with assistance from friends and

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