

Equal Freedom

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The Principle of Equal Freedom
and Noncoercive Government

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A Principled Basis
for Free Societies

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PREFACE

While there is a multitude of predecessors who have made a work such as this possible, these stand out in my mind as the most prominent builders of the theory of freedom: John Locke, Herbert Spencer, Gustave de Molinari, Lysander Spooner, Albert Jay Nock, Murray Rothbard, and Ludwig von Mises.

Freedom is the ability to live your life as you wish to live it, with full control of your properties. Equal freedom means having your freedom while respecting the same freedom of others. No government on Earth today allows freedom, although many claim they do. It is possible to attain and maintain a society of freedom, but not an easy task on this world.

This book is an argument that those who wish to live in freedom be allowed to do so, somewhere within our Solar System. Many people prefer to live under coercion, as history amply demonstrates. Those people should have the freedom to give up their freedom (but not to force others to give up *their* freedom). They should, however, retain sufficient freedom in those cases to regain the degree of freedom they wish if they change their preferences.

The people running the governments of Earth will not easily give up their privileged positions or their coercive grip on their subjects. They do not even begrudge small, inhospitable parts of Earth to be given over to those who do not want to live under political governments—that is unacceptable, probably because it sets a bad example.

This book comes from my conviction that a free society needs a clear statement of principle upon which its freedom is based. This work is my attempt to show what follows from such a principle. It is also my conviction that free societies not only provide justice and opportunity for people, but that they are essential for the long-term survival of humanity.

The need for true freedom, for government without the coercive State, goes far beyond the benefits to the people who would live in freedom—this is a necessary step in the evolution of society and civilization, to build a stronger civilization, with justice and without the burdens of war-making political leaders, squandering of society's wealth, and restrictive rigidity of society that impedes further progress with civilization. The ultimate benefit is the increased probability of the survival of humanity.

The works of Locke, Paine, Spencer, and numerous others favoring the rights and freedoms of individuals have followed a progression typical of all sciences. Each practitioner tests and judges the works of his predecessors and tries to advance the science by adding better-stated truths and removing or repairing what he perceives to be flaws in the earlier works. Such is the case with this offering—one more brick laid in a long road.

Jerome L. Wright
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The danger to which the success of revolutions is most exposed, is that of attempting them before the principles on which they proceed, and the advantages to result from them, are sufficiently seen and understood. ~ Thomas Paine

It is in the monopoly of security that lies the principal cause of wars that have laid waste to humanity. ~ Gustave de Molinari

There is not a single human social institution which has not originated in hit or miss fashion, but, nevertheless, every one of these institutions is justified by some rationalizing argument as the best possible, and, what is worse, the community demands the acceptance of the arguments as a precondition of happy social life. ~ Percy W. Bridgman

PART 1

THE PRINCIPLE OF EQUAL FREEDOM

Chapter 1

The Concept of Equal Freedom

A stable and just society requires precepts and standards that its members accept, which become the framework within which those members can live their lives in an honest and productive manner. A fundamental principle was enunciated centuries ago by thoughtful men who were concerned with the dignity and worth of the individual—a principle that can provide those very precepts and standards. It is the Principle of Equal Freedom.

This book was written to help carry that principle forward, to expand upon the implications of the principle, and hopefully to convince others to adopt the principle as the foundation of their lives.

A free society needs a foundation on which to evaluate actions and expectations. A strong, comprehensive principle makes the best foundation, a foundation that remains constant across the years. With such a foundation, people can go about their lives knowing what is expected of them and what they can reasonably expect of others. Where the foundation is a principle, a society and its people have the greatest freedom and flexibility in adapting to the inevitable changes that life brings.

In contrast, a coercive society is controlled by a massive set of arbitrary laws, most of which are in place to favor certain factions in the society. These laws strongly constrain the lives of people and rigidify the society, reducing their ability to adapt to changing conditions. The arbitrary laws and social rigidity assure that freedom, justice, and peace are generally unobtainable within the society.

Freedom requires no justification; no appeals to nature, deity, or other sources are needed. People can have freedom whenever they establish it for themselves and defend it. In the world as it is today, the moment that defense stops, freedom is lost. Once lost, it is very difficult to regain.

Societies can exist and function well without institutional coercion and fraud. They can provide freedom for their people and well-being beyond any that can be achieved when liberty is

compromised. Free societies do not provide all of the features of contemporary life: they lack empires and offensive wars, for example. Their people would have to learn how to get along without those features of primitive civilization.

No society and no government now on Earth have a clear principle underlying their functioning to fully protect the individual. Very few individuals have a clear principle to guide their actions and define their ethics. Most of what guides individuals is what their parents, teachers, and religious leaders told them when they were children, modified a bit by experience. The premise of this book is that things sociological work better and provide more justice when a clear, moral principle is in place.

The history of sociological work on the best form of society is filled with assumptions that have not always stood up under close scrutiny. Those assumptions have included premises such as: society should be the way that God decreed, society should provide the greatest good for the greatest number, society should be directed by God's chosen ruler, society should be structured to follow the will of the majority, and society should be based on individual freedom.

This work is concerned with the latter premise, that individual freedom should prevail. This is in stark contrast with contemporary society where the State prevails while granting a few protections to its subjects.

1. The Possibility of Freedom

Freedom is about liberty and property, but, moreover, it is the elimination of coercion and fraud as social institutions. A free society cannot have coercion and fraud as social institutions.

Over three hundred years ago, John Locke wrote on equal freedom, property, and upholding natural law:

Man being born, as has been proved, with a title to perfect freedom, and an uncontrouled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty and estate, against the injuries and attempts of other men; but to judge of, and punish the breaches of that law in others ...¹

Locke also wrote that [political] government would be unnecessary except for the defense of people and their properties. Gustave de Molinari showed in 1847 how private companies could provide that protection of lives and properties.

Our knowledge of how free societies could be established and maintained has advanced substantially since then. In particular, we know how free societies can be protected from assaults ranging from street muggers to attacks by coercive government. Since these functions can be provided by private companies, along with all other necessary services provided by the State, there is no reason to have to endure the theft and control that come from the State. The State can be shut down and freedom can take its rightful place in human society.

Civilized society can exist without institutional coercion and fraud, and without the

¹ *Second Treatise*, § 87.

institutions that employ them.

2. The First Principle as a Foundation

The concept of a society under the Principle of Equal Freedom matured with the work of Herbert Spencer in the mid-19th Century. He saw the principle as operating on a higher level of organization than just that of individuals. As far as I have been able to determine, he was the first to explicitly call the statement a principle and identify it as a foundation for a just society. More than just individuals respecting each other's freedoms, he saw that society itself could, and should, be characterized by the universal application of the principle throughout the society and extended to the institutions that define a civilized society. He left no room for coercion in society, neither by individuals nor organizations. In 1851, he presented as the First Principle:

Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man.²

For the just regulation of a society, no additional restrictions or qualifications are necessary. This is Spencer's position, and that taken in this work as well. All of the extensions and applications described in this work are logical derivations from that principle, without restricting it. My descriptions of how society would function under the principle are, to the best of my ability, consistent with the principle without modification. Nowhere in this work is there a statement to the effect that the principle is a fine idea, but here we must deviate from it to achieve justice. Where I show corollaries, those are logical derivations that clarify, but do not constrain or modify the principle.

Infringements of freedom can come in the forms of coercion and fraud, concepts that are developed further in later chapters. A person who abides by the principle is deserving of protection in the society, but one who violates the principle can lose his right to freedom and any entitlement to protection.

3. Definitions of Terms

The following are the meanings of some of the key words as used in this book:

coercion: use, or threatened use, of force contrary to the Principle of Equal Freedom to interfere with the liberties or properties of a person

coercive government: governmental organizations that exercise coercion to control their citizens; the State; political government

estate: the entirety of a person's possessions and entitlements, tangible and intangible, (exclusive of his life and liberty) that properly belong to the person

force: applied, often physical, influence that compels action or prevents action

² *Social Statics*, Chap. VI, § 1. This is similar to a statement by William of Orange two centuries earlier (see Motley).

fraud: untruthful or misleading representations made to people to influence their actions

free society: a society following the Principle of Equal Freedom; a Stateless society; one without institutional coercion and fraud

freedom: being in the condition of liberty and being in full ownership and control of the entirety of one's own properties; uncompromised life, liberty, and estate

liberty: having an unconstrained ability to act by one's volitional self-direction; having full control of one's own life and ability to act

moral action: action consistent with the Principle of Equal Freedom

noncoercive government: institutions, organizations, or agencies that provide protection and assurance of freedom without use of coercion; entities that limit coercion and fraud in society

ostracize: to exclude a person or organization from a group or society, or from participation in social functions

ownership: holding proper, moral title to properties, whether or not in immediate possession of the properties³

perpetual: lasting indefinitely; continuing without specified time of termination

properties: life, liberty, and estate.

Note that force is morally neutral. Like a weapon, force is neither good nor bad of itself—those characteristics are determined by the intent and circumstances of a person applying some force. Hammers and guns apply force, while a wielder of those devices might use them in a coercive manner or not. As an example, if *A*'s home is invaded by *B*, a burglar, and they engage in a fight, both are using force. *B* is clearly using coercive force, while *A* is using force in a moral manner in defending his home and self.

Moral action as used here is secular, without religious connotations.

Societal and *social* are used in different senses. Societal structure and organization refers to society in terms of its institutions, organizations, and general operating principles and rules. Social structure refers to the associations and networks among people and the memberships of people in groups.

A society is a social system without formal organization and without contracts between it and others. It does not have the characteristics of individuals or organizations. A society has no mind, no management, and no incorporated existence, so it cannot enter into contracts.

Definitions are arbitrary, neither true nor false, right nor wrong, but if one deviates from common usage and meaning, then it is necessary for clarity to explicitly define the terms. Even if usage is consistent with common usage, being explicit is helpful, especially for key concepts. A characteristic of people who manipulate others is the alteration of common definitions without making clear that nonstandard definitions are being used.

4. Background

³ Being in possession of, or controlling, properties of a person without his consent does not convey ownership.

Societies are essential for the individual, and necessary for civilization. Molinari wrote in *On the Production of Security*:

Man experiences a multitude of needs, on whose satisfaction his happiness depends, and whose non-satisfaction entails suffering. Alone and isolated, he could only provide in an incomplete, insufficient manner for these incessant needs. The instinct of sociability brings him together with similar persons, and drives him into communication with them. Therefore, impelled by the self-interest of the individuals thus brought together, a certain division of labor is established, necessarily followed by exchanges. In brief, we see an organization emerge, by means of which man can more completely satisfy his needs than he could living in isolation. This natural organization is called society.

Throughout the course of civilization to the present, essentially every society has been controlled by State and Church, however primitive those institutions might have been. While the institutions have varied in the degree of their control, the general rule has been that the subjects have had little or no ability to determine the nature of the controlling institutions. Nearly 7000 years after the founding of civilization, no large-scale society has yet been established based on full freedom for the individual.

An early form of the principle was given by John Trenchard and Thomas Gordon in Letter 62 (1722) of their publication *Cato's Letters*:

By Liberty I understand the Power which every Man has over his own Actions, and his Right to enjoy the Fruits of his Labour, Art, and Industry, as far as by it he hurts not the Society, or any Members of it, by taking from any Member, or by hindering him from enjoying what he himself enjoys. The Fruits of a Man's honest Industry are the just Rewards of it, ascertained to him by natural and eternal Equity, as is his Title to use them in the Manner which he thinks fit: And thus, with the above Limitations, every Man is sole Lord and Arbitrer of his own private Actions and Property.

The essays comprising *Cato's Letters* were widely available in the American colonies, and were read by many of the founders of America. Unfortunately, nothing like the above was placed into the US Constitution.

There is nothing more important to the individual than having the freedom to make what he can and will of his life. To lack the freedom to make the most of one's existence, and thereby lose the enjoyment of that existence, is the greatest evil that can be brought against intelligent life outside of death itself.

We have had 7000 years of kings, priests, and armies all wearing the trappings of civilization. Except for a few brief moments here and there, the kings, priests, and armies have not allowed people to have freedom.

However, there is a long-term trend spanning millennia toward greater freedom for the individual. It might eventually take us to a civilization based on full freedom and responsibility of the individual. Progress has typically come initially as an intellectual effort showing that change is needed, possible, and of benefit to people.

The Principle of Equal Freedom is one of those intellectual advances. It still resides only on the pages of a few books and in the minds of a few freedom-seeking people. Many people like to state their admiration of the principle. I think far too many spout the words and then return to their convictions that coercion is the way things should be.

The fact that this principle, stated in various forms, has been held for centuries as both an ideal and a principle to live by, yet has never been implemented, makes a strong and ominous statement about human psychology. Those who want to see freedom implemented understand that they face a most arduous task.

We can someday develop both the technology and the will to end the long list of tyrants, and even the milder deniers of freedom. Of those two factors, the technology is by far the easiest to come by. The foundation of that technology is the Principle of Equal Freedom.

5. Personal Freedom Shapes Society

The Principle of Equal Freedom is a specific concept of personal freedom that, taken in its fullest implications, determines a social structure allowing the greatest possible expressions of individual freedom. The implementation of such a social structure allows the greatest possible safety, wealth, and personal development for the individual, along with the greatest potential for development of the society itself. Stating it simply, without rigor, the principle says that every person shall have the freedom to live his life as he wishes, as long as he respects that same right for others. This does more than give every person the same degree of freedom—it gives total freedom from coercion.

It is deceptively simple in this statement, for it leads to far-reaching implications. Few people in contemporary society are willing to support those implications. This leaves the principle as one widely admired and endorsed with the spoken word, but one that only a very small part of the population really wants to support.

From its beginning, the principle has been a guide to the interactions between people. Seemingly, most people want to control the lives of others, and it has been this way throughout known history. Controlling others, on scales great and small, directly and indirectly, has been a favorite activity throughout human civilization. Many who defiantly want to live according to their own conscience are not also willing to allow others the same right and freedom, instead wanting all others to live by the one's perceived best manner. This seems to come from convictions arising from the belief of the correctness of one's own mode of existence: If one is correct, then one is justified in seeing to it that everyone else also lives in that same correct manner.

After centuries of horrors arising from this self-righteous certitude, we have taken most such powers away from organized churches—but not all. In the area of political governments, only the most excessive impositions have been limited, but even then not always.

The individual should be the goal. Celebrate his existence; celebrate his freedom; allow him his own life as he wishes to live it—provided he honors the same freedom for others.

Do not seek to control your neighbor, not through your direct action nor through an intermediary agency such as church or government. Allow him to seek his own happiness while he allows the same for you.

6. The Principle as a Foundation for Social Theory

The Principle of Equal Freedom is a code of conduct that can be used as the foundation of a free society. It appears that the basis for any free society—that is, one that fully respects life, liberty, and property—is necessarily equivalent to this principle.

The principle is also a foundation for a theoretical system of societal functioning and organization. The principle, its corollaries, and all of its other derivatives form a theoretical construct against which the structure and functioning of any free society must remain compatible.

7. Equal Freedom is Not Restricted Freedom

Some might like to interpret equal freedom to mean that freedom can be restricted as long as it is restricted the same for all, so that every person has the same degree of freedom (or the same loss of freedom). However, this cannot be compatible with the Principle of Equal Freedom, because, first and foremost, it is a principle regarding the interaction among individuals. A person has a right to his freedom provided he allows all other morally-acting people to have their freedom. Anyone who wilfully compromises another's freedom is not acting morally and has lost his right to his own freedom while he compromises others. Thus anyone, whether he is deemed a government officer or not, who coerces another has no right to his own freedom and should suffer reprobation and restrictions. It follows then that every member of a coercive government who is acting coercively is in violation of the principle. It also follows that any government, organization, or group that acts coercively has violated the principle even if the degree of coercion is claimed to be equally and justly applied to all. Any and all coercion violates the conditional clause of the Principle of Equal Freedom, whether coming from a person, an organization, a government, or any other source.

Freedom exists when one has full, unabridged control of his life, liberty, and properties of every kind. Any other condition is an absence of freedom.

8. Justification of the Principle

The philosophical basis that must be appealed to for the justification of freedom is this: none. People can be free when they seize and hold their own freedom, without a justifying appeal to any purported source for that freedom beyond their own want.

In summary, the Principle of Equal Freedom is:

- Invented by people for their use as an ideal principle
- A code of conduct that may be accepted for use in societies, rejected for use, or made illegal by authorities⁴

⁴ To be sure, no political government, especially of the “democratic” kind, is likely to explicitly outlaw the principle—that is done in a piece-meal manner under laws of different names in the grand old game of obfuscating attacks on liberty.

- Not suitable for use as a constitution for coercive government
- Not a contract between people, nor between people and society
- Not a gift from a deity
- Not derivable from natural rights
- Not found in Nature, nor derivable from Nature.

9. Natural Law

Natural law and natural rights have been subjects of intellectual study and arguments for many centuries. Until only a few centuries ago, natural law was taken as a self-evident subject. Natural law was thought to be indistinguishable from the will of God, then it was thought it should be a subject of rational thought, independent of religious concepts. More recently, some argue that the concept is best discarded and ignored.

Lysander Spooner addressed the subject in his treatise *Natural Law*, where he discusses law, justice, rights, liberty, and society. His concept of natural law is what humanity has almost universally agreed upon as the source of justice and peace. He writes:

Through all time, so far as history informs us, wherever mankind have attempted to live in peace with each other, both the natural instincts, and the collective wisdom of the human race, have acknowledged and prescribed, as an indispensable condition, obedience to this one only universal obligation: viz., *that each should live honestly towards every other.*

This universal obligation, as he calls it, is the essential obligation that people must adhere to in securing freedom for all. Stated in different words, with the same meaning, it is the conditional clause of the Principle of Equal Freedom.

Physicists can discover fundamental laws of physics by peering deep into an atom. Biologists can discover fundamental laws of biology by peering into a cell. There is no place in the cosmos to find the concepts of natural laws and natural rights except in the minds of intelligent beings. The human mind mixes its capacity for rational thought with prejudice and self-deception, making it suspect as a source of fundamental knowledge, which is why scientists require evidence existing outside of the mind in their search for truth.

The truth is that the cosmos, whether we call it nature or Nature, does not tell us how societies of intelligent beings should be structured. This leaves it to the intelligent beings to decide upon the form of society in which they want to live. Unfortunately, this opens the game to opportunists and fools. People can choose to have their societies based upon coercion, fraud, expediency, the greatest good for the greatest number (even though none are competent to make those measurements), or upon principle.

We can make some qualitative observations of societies that have been created by humans. What we can observe is that lack of freedom constrains the individual, leaving him unable to make the most that he can of his life, and often forced into a miserable existence. We can

observe that when people have freedom,⁵ the individual tends to prosper and attain happiness, and society benefits from the creativity and industriousness of the free individual. We can conclude:

The more freedom that a society has, the more it will prosper and the more the individual can seek his own happiness.

This is an observable condition, and is perhaps the closest we can come at present to finding a fundamental law of society.

10. The State

The State exists to control its domain and its people through coercion. Albert Jay Nock wrote in *Our Enemy, the State*:

It may now be easily seen how great the difference is between the institution of government, as understood by Paine and the Declaration of Independence, and the institution of the State. Government may quite conceivably have originated as Paine thought it did, or Aristotle, or Hobbes, or Rousseau; whereas the State not only never did originate in any of those ways, but never could have done so. The nature and intention of government, as adduced by Parkman, Schoolcraft and Spencer, are social. Based on the idea of natural rights, government secures those rights to the individual by strictly negative intervention, making justice costless and easy of access; and beyond that it does not go. The State, on the other hand, both in its genesis and by its primary intention, is purely anti-social. It is not based on the idea of natural rights, but on the idea that the individual has no rights except those that the State may provisionally grant him. It has always made justice costly and difficult of access, and has invariably held itself above justice and common morality whenever it could advantage itself by so doing.

To Nock, then, government is not the same as the State: Government is what secures rights, including property, to the individual. Some governments, always including the State, are coercive in nature, but there is no law of nature or society that says government must be coercive to secure those rights for the individual—there can be noncoercive government.

11. The Nature of Man

Many have argued that man does or does not have an innate nature, and that, if it exists, it is or is not theological. What is meant here by man's nature is what is scientific, that is, what is observable and repeatable.

People respect their neighbor's property and right to exist, they defend him from thieves, and they rob him when they can. Individuals fit into these behavioral categories, not necessarily into

⁵ That is full freedom from coercion, institutional fraud, social class, and prejudice.

all, and certainly not all people fit into all of those categories. Most people fit into one or both of the first; only a few fit into the latter. This is an aspect of man's nature that can be observed across nearly all cultures.

People are susceptible to indoctrination when young, which influences the rest of a person's life and his values. This is an aspect of man's nature.

Most people historically and contemporarily believe in the supernatural and the existence of some god(s). This is also an aspect of man's nature. This is not to say that God does or does not exist, only that the prevalence of beliefs is there.

People can be generous and tolerant, and they can be callous and bigots. A particular individual can exhibit the first pair of characteristics at times, and at other times exhibit the second characteristics. This is also an aspect of man's nature.

People seek their own happiness; they often seek security and acceptance by others. These are more aspects of man's nature.

When people aggregate into societies, these innate natures strongly influence the characteristics of their societies. This influence is not a simple summation of the tendencies of the individuals, because people in groups mutually influence one another, suppressing some behaviors and enhancing others, yet another aspect of man's nature.

12. **Ends and Means**

The objective of the study of natural law has been to determine what is good, and therefore what human laws and rules should be based upon. What is good is the subject of a multitude of opinions, but those that are generally and broadly agreed upon do span nearly all human cultures. No one, however, is likely to compose a list of the most fundamental good principles that all people would agree upon. I offer a simple list of good ends and means which I think is consistent with the Principle of Equal Freedom and which underlies this book:

- Continuance of our species and civilization
- Continuance of the individual
- Protection of the liberty and properties of the individual
- Justice
- Peace
- Keeping to one's agreements
- Honesty
- Tolerance.

Many might want to add continuance of one's tribe or nation. These can be admirable goals, but are also ones that are used to justify many crimes against other peoples, so I do not include them—they are too often coupled with intolerance and war.

Piety is notably absent from the list. Not too long ago, nearly all would have deemed this an essential element to include—many today would agree. However, when society insists on piety, injustice and intolerance are certain to follow.

It appears to me that in adopting a social principle, such as the Principle of Equal Freedom, as

a code of conduct and adhering to the principle and its corollaries, the need for a concept such as natural law is weakened or simply goes away. My list of good ends and means is derived from principle, but I think it is also compatible with what many would say they derive from rational studies of ethics and natural law.

13. Live and Let Live, or Failure of the Golden Rule

The Golden Rule, or the Principle/Law of Reciprocity as it is also called, states that one should act toward others as he would have them act toward him. This rule provides no guidance as to what should be acceptable and what is not. Anyone willing to get hit in the face could go around hitting others in the face at will. History has also shown the ineffectiveness of the rule among people who profess to abide by it.

More importantly, the Golden Rule applies between people. It says nothing about the relationship between people and government or society in general, a failure that is corrected by the Principle of Equal Freedom. The rule does not explicitly protect life, liberty, or property, which is an important shortcoming.

The Golden Rule is an inadequate guide for people and society because of its logical limitations. While it could be used as a basis for a society, it would not be satisfactory by itself for a free society. If a society were founded upon the rule, there could arise within the society numerous people wanting to live under a political government. They could get together, create a political government, and impose that government upon all who live within the society. It would be pointed out to objectors that the implementors are willing to have a State over them, and so, fully within the terms of the Golden Rule, they can impose a State upon all others—since they are willing to have a State imposed upon themselves, they are logically allowed to impose a State upon others. This is the fatal flaw of the rule with respect to a free society—the rule does not assure freedom. Only the Principle of Equal Freedom as stated herein, or some logically equivalent construct, can assure freedom when the principle is followed. It is only this principle that implies that wherever it is the foundation for a society, that society will be a free society and will have no State.

The Golden Rule does not exclude the tax collector who believes in what he is doing, therefore it does not imply or require the existence of freedom. The Golden Rule allows one who believes in the application of taxes to strive to implement taxes upon others—by taking away property, he also takes away freedom. The Principle of Equal Freedom disallows this.

Logically, one has to conclude there can be no stable freedom found in following the Golden Rule alone. Reciprocity is a natural part of civilized life, and should be widespread within a free society, but it is not adequate by itself.

The Golden Rule is *different* from the principle. It can—and generally should—be interpreted as a social rule to look after each other. Thus it is *social* in nature, while the principle is more *societal*. Which is why the rule is not adequate for determining societal form and function.

The Golden Rule has a long history within religious teachings, and so has acquired many people who espouse the rule, however poorly they might actually live by it or understand it. The more complete Principle of Equal Freedom has not been included in religious teachings, at least

not in any substantial manner (few indeed are the religious leaders who believe in real freedom), and it therefore has a much smaller following.

Condensing the principle does not result in anything like: Do toward others as you would have them do toward you. If it must be condensed for assimilation, it would be much better done as: Live and let live. It should be recognized that the *let live* part is a crucial part to be taken quite seriously.

14. **Coercion and Fraud**

Coercion and fraud are actions that limit or destroy freedom. The State, Church, various organizations, groups, and individuals are sources of these acts. The acts can limit or remove the individual's choices, control, and properties—the individual loses control of his own life under these acts. The ultimate coercion is loss of life for the victim. Coercion and fraud exist everywhere on Earth, in every society, as the dominant factors shaping contemporary social life.

15. **The Basics of Properties**

A person's properties, in their broadest definition, include life, liberty, health, intangible properties, tangible properties, and estate. Life includes biological existence, body, name, social identity, and reputation. Estate includes monies and equivalents, creations, land, land use, land improvements, and contractual entitlements. Life and liberty are typically considered separate from other properties because of their innate, generally nontransferable nature.

Coercion and fraud are the means by which property is improperly taken from a person, or by which he is restrained from taking a moral action or forced to take an action against his wishes.

John Locke maintained that a person's life is his own property. He wrote, "Every man has a property in his own person; this nobody has a right to but himself."⁶ A person's name, other aspects of identity, reputation, and liberty are part of his life properties.

Tangible properties, including land holdings, have been recognized as a person's own, at least until his death, by custom and common law. States, warlords, religious leaders, thieves, and many others have transgressed these property rights for many millennia.

Herbert Spencer stated that a person's intellectual property is his own, to do with as he wishes, not to be compromised by the States' patent laws. The States' patent laws enforce coercive monopolies and deny independent inventors the right to use their own inventions.⁷

Lysander Spooner held that a person's ownership and interest in his intellectual properties continues without end, beyond his own life. The creator bears responsibility for the use of his intellectual properties.⁸

The totality of properties is life and the tangible and intangible things that properly belong to a person. Locke summarized them as life, liberty, and estate. Ownership of non-life properties

⁶ *The Second Treatise of Government.*

⁷ *Social Statics.*

⁸ *The Law of Intellectual Property and Letter to Scientists and Inventors.*

means holding proper, moral title to properties, whether or not in immediate possession of the properties, and whether or not title is formally recorded.

An estate is the entirety of a person's possessions and entitlements, tangible and intangible, exclusive of his life and liberty. It is what a person accumulates during his life. The estate continues on beyond the life of the person unless that person declares his estate dissolved, with the properties then fully disposed of. An estate could be established as an incorporated entity by the person prior to his death or interment into some form of suspended animation, including cryopreservation. An incorporated estate could be established after a person's death as a vehicle for royalty payments or other property transfers, provided the person has not specifically forbidden the establishment of such an estate.

What holds for a person with respect to properties also generally holds for an incorporated entity, as with a company or corporation. If artificial intelligence develops sufficiently, then someday sapient, self-responsible machines should also have the same rights to properties as a human person, including the ownership of their own lives. The same is true for biological beings with artificially enhanced intelligence who become sapient and self-responsible.

16. The Condition of Liberty

Liberty is having the ability to act according to one's own wishes. This implies not having to act against one's wishes. In a free society, each independent person can act, or not act, according to his wishes. He also enjoys or suffers the consequences of his actions. If his actions are beneficial, he does not have to distribute those benefits to others, except by any existing contracts that require it. If the consequences are harmful or undesirable, he may not impose those consequences on others, except where an existing contract might allow it.

In abiding by the principle, liberties are constrained to moral actions. Moral actions include defense, but not harmful, unjustified offense.

In a free society, a person's liberty cannot morally be constrained or abridged while his actions, which may be considered in total, are moral actions. Thus a person who aggresses one day can have his liberty curtailed on another even though he is acting morally on that day.

A person's liberty cannot morally interfere with the liberty or properties of another. If a person does not have permission to use another's property, that first person can be restrained from using the property. He can also be restrained from interference with another's liberty. He can be constrained to prevent harm to people or their properties.

17. The Condition of Freedom

Freedom is having liberty and being in full ownership and control of the entirety of one's own properties. If a person is constrained in acting (outside of contract), his liberty is lost, as is his freedom. If his property is taken or controlled by others (outside of contract), his freedom is lost.

Under the principle, it is only for the owner of properties, not others, to determine the usage of those properties, except that moral uses be made.

18. Theory of Freedom

There is at this time no theory of freedom that meets conventional standards of scientific theory. A valid scientific theory must meet certain standards of form and rigor. It must be falsifiable, that is, it must be capable of being disproved if such evidence turns up. It must be supported by a substantial body of evidence, otherwise a construct is hypothesis or speculation.

However, a body of theoretical, or logical, constructs can be derived from principle. In this manner, this work advances libertarian theory. If one accepts the principle, then by logical process one must accept validly-derived corollaries and other ancillary deductions.

Without principle for guidance in society, one can only have a body of laws, rules, and conventions, each of which is arrived at as a matter of preference or consensus, and which are likely to conflict with one another.

19. A Principle of Social Freedom

The Principle of Equal Freedom is the strongest statement of freedom and property rights that has yet been uttered within human civilization. It can be used as the foundation for societies that enjoy freedom. The explicit principle seems to have fallen into disuse with some friends of freedom, yet their statements on the proper functioning of society typically are the logical equivalents of the principle, but without its clarity and definitiveness.

Corollaries can be derived from the principle that clarify the meaning and implications of the principle. These corollaries are, sadly, the point where many people, who like the sound of the principle, will decide that they prefer to abandon the principle as a foundation for society. They are unwilling to give up control of their neighbors through use of the State, and are fearful of living without its coercive authority.

20. A Statement of Freedom

The Principle of Equal Freedom is the most complete principle for assuring freedom that I have encountered in current or historical literature, and I doubt that a fundamentally better formulation could be found. It obviously applies to liberty by its statement of legitimate action being unconstrained except for equality. As the next chapter shows, liberty allows a person to acquire, create, and hold properties in addition to those properties innate to his existence. Thus it is a fully-encompassing principle of freedom because it applies to all of the properties of a person: life, liberty, and estate properties.

Those people able to live without States and Churches, and by this principle alone, will be truly free people.

Freedom is not obtained from mythical rights, and certainly not from constitutions, which are the very antithesis of freedom because they imply a State with power over people. Freedom is obtained by decision and declaration by people who choose to be free, and who are willing to defend their freedom. Without a willingness to repulse thugs of all types and to reject the myriad forms of fraud, their declaration will sooner or later be seen as a hollow gesture, and ultimately a failure.

Freedom is simple, but not easy. If one can do as he wishes and has control of his properties, he is free—simple. But since the beginning of civilization there has been a continuous presence

of people who would take away freedom through coercion, fraud, or both. Defending against them is not easy, but it is necessary.

21. **Equality**

Equality in a free society arises from principle and from respect, in its several forms, between people. The Principle of Equal Freedom applies equally to all, without abridgement. There can be no interference with the life, liberty, and estate properties of any morally-acting adult, nor any interference with his moral protection of those things.

Honest, ethical behavior is the necessary norm for the continuance of equality. The coercers and the fraudsters, by their very acts, destroy equality as they seek to acquire something that is not theirs or to control the actions of others. A free society remains such, withstanding events of coercion or fraud through corrective mechanisms, provided such events are aberrations, and not the norm.

Chapter 2

The Principle and its Corollaries

The principle is a code of conduct that is directed toward individuals and organizations in society. It is a statement of rights and freedoms of individuals⁹; it allows no coercion.

Principle of Equal Freedom: Every individual has the right to live and act as he chooses while respecting the same rights and freedoms of others.

Some further conditions can be immediately and directly derived from the principle. I show four such corollaries here:

First Corollary: A morally-acting adult person should not be prevented from doing what he wants to do, nor forced into doing what he does not want to do.

Second Corollary: A morally-acting adult person should have full, unabridged control over his own life and over all of his properties of every type.

Third Corollary: A person should not take, or inflict harm upon, the life, liberty, or property of others; nor should he exercise control upon another or beyond his own properties, natural obligations, and contractual agreements.

Fourth Corollary: Every person should receive restoration and repair of dislocations to his life, liberty, and properties from those responsible for the dislocations.

It can be seen that the principle and corollaries are expressed in the context of protection and

⁹ For brevity, *person* or *individual* is taken to include formal and informal organizations of people.

moral exercise of life, liberty, and property.

The principle allows each morally-acting adult person the greatest possible freedoms in any society. It allows him to direct his own search for happiness and to determine what is good for himself.

The conditional part is so crucial that it could be placed first for emphasis in a formulation such as: First, harm no one, then do as you will. Harm includes taking another's property, supporting the taking of another's property, and controlling the life or property of another.

22. The Basic Right

Every individual has the right to live and act as he chooses.

It is the individual who chooses how he lives and acts. If some other party determines how a moral adult should live or act, then that person has been compromised in his life, liberty, or properties.

The basic right stated in the principle is the most fundamental right that an individual can have. The fundamental nature arises from the observable fact that action is the most fundamental aspect of existence for any biological entity. Without the ability to act an entity cannot exist; as a minimum it must meet its biological needs. A sapient being has needs much more extensive and complex than a simple organism. The sapient being recognizes a quality of life for itself, and it strives to achieve an existence that creates happiness for itself.

This right is directly related to an individual's ability to survive and lead a satisfying life. The individual can meet his biological and psychological needs only when he has the freedom to take whatever actions are necessary to meet those needs. Nearly everyone wants this right for himself, and most people recognize that others should also have the right, at least to some extent. The principle states that the right should be total, conditioned only by respect of complementary rights.

No other entity can understand the needs, desires, and values of the individual better than the individual himself. No one else is as competent and interested in creating a happy existence for the individual. It follows that the individual must have the fullest expressible freedom of action to create his own happiness.

An individual in a developed society can best create his happiness and security when the society assures him freedom of action to follow a manner of living that meets the needs and desires that only he can fully understand. Neither the cosmos nor the society can guarantee that everything the individual might want will be available. However, the cosmos grants a natural freedom of action, bounded only by the laws of physics and the fortuity of the environment. The society can extend this natural freedom by allowing the individual freedom of action to create the best life that he can. The Principle of Equal Freedom could be the basis for that liberty.

Life finds itself beginning in an environment not of its choosing, and it must then succeed as best it can with the resources that it can reach and employ. An individual can no more choose his parents and place of birth than an emerging species can choose its own planet and star.

The success of all life depends upon how well it can operate with the laws of physics. These laws are impartial because they are the same for all. They are reliable because they do not

change. They are unequivocal because they are always applicable.

The quality of an individual's life relates to the degree to which he can exercise this freedom. Determining the quality of life for an individual is a very personal measurement, one that only the individual himself can fully make.

Political laws and social prohibitions typically prevent an individual from living his life according to the principle and according to his own wishes. Throughout our history, people have had this right only in some degree. Often the right has been so curtailed that even survival became impossible. Almost universally, this right has been abridged to the extent that people have suffered substantial reductions from the quality of life that they otherwise could have enjoyed.

The principle states that the right should be total, conditioned only by respect of complementary rights. The principle is not defined for implementation in a partial degree or for part of the time. Any such partial implementation necessarily includes a violation of the principle.

Since the principle states that personal freedom should be total, the present social structure clearly conflicts with the principle. The State is the enemy of freedom.

Under this principle, we have a right to choose the form of government, including choosing to be under no political government.

The preceding is a statement of maximum liberty. The next section shows a necessary condition for maximum liberty.

23. The Conditional Clause

While respecting the same rights and freedoms of others.

The conditional, or reciprocal, clause in the principle requires the respect of complementary rights and freedoms for other people. It creates the equal aspect of the principle. It states that a person is entitled to his freedom in society only if he extends to all others recognition of the same freedom.

If everyone in a society is to have liberty for himself, then of necessity no others can act to remove that liberty—otherwise liberty does not exist for all.

Liberty must be reciprocal to be universal. It is easy to see that the wanton liberty of a person, which can include acts of coercion and fraud, can negate the liberty of another. Thus, the only way for all self-responsible people of a society to maintain their liberties is to have the condition that one's exercise of liberty cannot negate the liberty of others.

When liberty exists for all in a reciprocal manner, then a condition is achieved in which: 1) a maximum degree of liberty is achieved across society, and 2) all persons have an equal degree of liberty. When all properties of each person are respected along with his liberty, then maximum freedom and equal freedom exist.

This logical algebra of liberty, or freedom, shows that the maximum condition and the equal condition must coexist. If maximum liberty does not exist, then some people have acted to reduce the liberty of others, for liberties are lost through the actions of others, thus the condition of equal liberty is broken because some have had their liberty reduced.

The properties of a person can be included in the same method of logical analysis. If some people have lost all or part of their ownership¹⁰ and control of their properties (excluding acts of nature), then that lost ownership and control have necessarily been taken by others. The result is that some people have lost properties and some have gained those properties through coercion and/or fraud. The equality of freedom is broken whenever any people, whether acting for themselves, others, or a State, can act to remove or control the properties of others.

The conditional clause probably has been and will continue to be the primary reason why the principle is difficult to implement. Almost no one in human history has had any difficulty in recognizing that he would like to live his life on his own terms. Seemingly almost as universal has been a desire on the part of people to have everyone else live according to one's own terms. This has been reflected in both political and religious situations and institutions.

The reciprocal aspect is crucial to the successful application of the principle. A person can enjoy his liberty only while respecting the rights of others. A person deliberately acting against the liberty of another has lost his own entitlement to liberty.

The clause requires respecting the properties of others. Respecting another person's freedom includes respect for that person's properties of all kinds, because his properties are an integral part of his life.

24. **First Corollary**

A morally-acting adult person should not be prevented from doing what he wants to do, nor forced into doing what he does not want to do.

Acting is a part of living. If a person has a right to live as he wants, he has a right to act as he wants. The logical validity of the corollary's second part derives from it being simply a restatement of the first part with a double negative about the actions of the individual.

This corollary is especially pertinent because the entire human population is subject to some form and degree of coercion by political States.

Contracts can require an individual to take actions that are not to the immediate advantage of a person. The person may therefore not want to take the actions. However, that person voluntarily entered into the contract, almost certainly for what was perceived to be a probable gain. A person is not being coerced by the other contractual party insisting upon adherence to the terms of the contract.

25. **Second Corollary**

A morally-acting adult person should have full, unbridged control over his own life and over all of his properties of every type.

Freedom includes the control of one's own properties, thus loss of control of one's properties is a loss of freedom.

¹⁰ Ownership lost in a legal sense, not in any moral sense.

This corollary means that a person's control over his property should not be abridged, or interfered with, by another person. If a morally-acting person has a right to take actions as he desires, then he necessarily has the right to exercise full control over his own life and to take actions using his own property. This property concept applies to both tangible and intangible properties.

A person's life is his most important and primary property.

A person's property is what he can use to effect his survival and create his happiness. Any coercive constraints on his use of his property affect his survival and the quality of his life. The only moral constraints on his use of his property are ones defined by proper contracts, such as business contracts or voluntary neighborhood covenants on land usage, or use that would harm others.

A person may protect and defend his life and properties, and aid others exercising their same rights. The latter should be as much of an imperative as the first. This right to protect is an integral part of the second corollary.

If the people in a region collectively act to impose limits on the use of certain types of property within their region, the second corollary, and therefore the principle, have been violated. This remains true if the collective aggregate is a majority and they act through representatives in a political organization.

The use of property can be controlled through voluntary joint agreements between owners and agents. These agreements are contracts, mutually beneficial or desirable in some way, and the agreeing owners are then bound by this voluntary agreement.

An owner can decide upon usage limitations for his property that pass on to any subsequent buyers. The use of such covenants is an effective, non-coercive method of placing limitations or requirements upon the use of property that are consistent with the principle.

26. **Third Corollary**

A person should not take, or inflict harm upon, the life, liberty, or property of others; nor should he exercise control upon another or beyond his own properties, natural obligations, and contractual agreements.

The third corollary follows from the conditional clause in the principle respecting the same rights of others. Any property that a person does not own either belongs to someone else or is available for use, such as natural resources. In the latter case, there is no property conflict with others.

If a person exercises direct control over the life of another, the second person has clearly lost some degree of his freedom and the ability to control his own life. He has to an extent lost the ability to live his life as he chooses. The direct control of another's life is an act of coercion.

This corollary corresponds to the non-aggression principle that is favored by many libertarians. Aggression, for the purposes of the NAP, is defined as the initiation or threatening of violence against a person or legitimately owned property of another. From the Libertarian Party, "No man has the right to initiate the use of physical force against another man." This corollary and the NAP are necessary, but not sufficient, principles for defining a free society. They correspond to a part of the Principle of Equal Freedom.

Every time we encounter another person, the potential interaction can impact both lives. There is an equilibrium point in the interaction where equal freedoms are preserved. The possible dislocations to each, which are commonly trivial, are not forms of control of one person over another.

The principal natural obligation is a parent's responsibility and authority over his immature children. The responsibility and authority arise from the creation of beings who are unable to take care of themselves. The responsibility and authority end when the children become able to take care of themselves on the arrival of adulthood. A similar natural authority exists in the case of an adult mentally incapable of managing his own life.

A person can morally exercise control over another's property within the limitations granted in a contract. A contract implies that an agreement was freely entered into in the absence of coercion and fraud.

In the case of violations, the third corollary allows intervention, constraint, and loss of liberty of a person acting against others. This includes intervention in cases of spousal abuse and parental neglect or abuse.

That a person may not take or harm the life or properties of another is an ancient admonition that is still recognized in principle. Murder, deliberate bodily injury, theft, and vandalism, among other crimes, are generally not tolerated in any society, except when perpetrated by the State. Destruction or harm of life or other properties, whether by criminal intent or not, is contrary to the principle.

A person may morally exercise limited control over another's property in special circumstances without permission or contract. These special circumstances are when a nonowner takes some action with property to protect or preserve that property from damage when no explicit permission was given to do so. The person taking such action is not committing trespass or misuse of another's property. This has been such a long-standing custom that it has the status of expected reasonable behavior.

This corollary is easy to understand when the action or question is directly between two people. However, a very important aspect of this corollary is its application to indirect cases, where a third party is involved.

The indirect restriction has major implications for societal structure. Our present system contains extensive mechanisms for people to control the lives and property of others through third party action.

The essentially universal third party for such actions is political government at every level. Society is permeated by individuals controlling large numbers of others through the indirect method of using governments as the mechanisms. This is effective because the States successfully maintain a monopoly on socially acceptable use of force—use of force to protect oneself from the State is generally not socially acceptable and seldom practical.

27. Fourth Corollary

Every person should receive restoration and repair of dislocations to his life, liberty, and properties from those responsible for the dislocations.

The fourth corollary recognizes that dislocations and injuries can happen. If a person is damaged in some manner by another, by accident or intent, two dislocations have occurred under the principle. Damage has been received by the first person, and a damaging action has been taken by the second. If the first person does not receive some restitution or other compensation, an injustice exists. If the second person does not provide some acceptable compensation, he has violated the principle, caused an injustice, and lost some degree of right to protection under the principle. Since justice is an objective of living under the principle, the injustice needs to be corrected—this is consistent with common law and with the concept of natural law.

We cannot really know what motivations might or might not have been present in a person's mind when he caused a dislocation or injury to another, but we can observe his subsequent actions. If he acts quickly and fairly to make repairs, then he should be deemed compliant with the principle and thus not subjected to any repercussions intended to correct his behavior.

Without restoration, one person will have been compromised in his ability to live his life and enjoy his liberty and properties, while another will have inflicted that compromise and left it intact or unrepaired. The principle remains compromised until restoration or a settlement is made.

If the situation is the loss of life, whether by accident or deliberate act, then restitution is payable to the estate of the deceased. Other actions could be taken against the violator, depending on the circumstances.

In considering dislocations, if *A* is damaged by *B*, *B* has abridged the rights of *A* and, to be deemed a morally-acting person entitled to freedom for himself, must restore and repair the damage to *A*. *C*, not involved in the damage to *A*, cannot morally be forced to compensate *A*, directly or indirectly, because that would violate the rights and freedoms of *C*.

Chapter 3

Application in a Free Society

The Principle of Equal Freedom can be the basis for a society of universal freedom. The statement of the principle is that of full freedom of the individual. It has also been shown that the reciprocal clause must be adhered to because every individual must respect every other individual's freedom if all are to enjoy freedom. It follows then that any society of true individual freedom must adhere to the principle, whether or not it is explicitly recognized. It appears to be the case that any formulation of maximal and equal freedom is logically equivalent to the Principle of Equal Freedom.

28. The Foundations of a Free Society

Principle is used in a free society rather than arbitrary laws. The Principle of Equal Freedom and its corollaries define the fundamental nature of a free society. While every society will have its own customs, those customs must be consistent with the principle for the society to be a free one.

One cannot pick and choose among the corollaries, implementing some but not all. The corollaries follow logically from the principle. If any of the corollaries are discarded, then the principle is not being followed.

Tolerance and respect are essential among the members of a free society. This does not mean that everyone should like everyone else; one does not have to be friends with all, nor does one have to be without prejudice. But members must allow other members to live their lives as they choose, as long as those other members are also making those same allowances toward others.

Protection of lives, liberties, and estate properties must be integral with a free society. That is an essential part of a free society. Individuals following their self interest in protecting their own lives and properties strengthen society as a whole. The effect is even stronger when those concerns are extended to others. This factor is of major importance in maintaining a free society that is robust and stable.

Entrepreneurs provide the goods and services that are needed to sustain complex society. This includes the protective services that constitute noncoercive government.

29. **The Nature of a Free Society**

A free society is an open society, guided by principle, not rules. It has no central coercive authority, nor fraudulent institutions manipulating its members. It is not a pre-defined utopia with fixed rules of living in some supposed harmony between members.

There are two key aspects of any free society: 1) the people want to live under a principle of freedom, and 2) contracts are used to define rights and relationships.

Any society providing universal freedom for its citizens will of necessity assure that mutual respect of liberties and properties exists within the society. If not, then freedom does not exist there. Whatever the wording of their guiding philosophy might be, it will be a logical equivalent of the Principle of Equal Freedom.

Application of the principle in a society where its individuals are free from coercion is a relatively easy accomplishment. This is because the principle itself is based on a complete lack of coercion. The difficult case, discussed in the next chapter, is that of applying the principle in a society with a structure based on coercion and fraud.

Variations will exist among societies implementing the principle due to interpretations, degrees of tolerance, and the abilities and availabilities of protective agencies. Even broader variations will exist among societies that implement moderately-limited protection of liberties and properties under a minimalist State.

A person cannot demand anything of the society in which he lives, but he can expect certain behaviors from individuals and organizations within the society based on the aggregate nature of the society. If a group of people living in an area and interacting in their daily lives chooses, by a large part of their numbers, to adhere to the Principle of Equal Freedom, then the principle becomes the norm for that society. If person *A* is damaged by *B*, who tends to ignore the principle, *A* can seek redress from *B*, but not from the society or other individuals.¹¹ No individual in a society can make demands of the society, nor can the society make demands of the individual.

Society is neither an organization nor an organism. Individuals cannot make contracts with it, and society cannot impose obligations upon individuals. Obligations arise from contracts between people who can agree to mutual benefits and obligations. There is no one who can represent society for the creation of contracts. This does not, of course, prevent one from feeling a sense of community and taking voluntary actions that could benefit members of a community.

A free society, by the nature of freedom, has maximum adaptability to changing circumstances. The society can evolve to provide the greatest benefits to its members through the mechanism of free and voluntary interchange among its members.

A free society, especially a modern, complex one, could have governmental agencies for the protection of lives, liberties, and other properties. These agencies would necessarily be noncoercive.

¹¹ He may, of course, receive compensation from an insurance or assurance organization.

Gustave de Molinari, in his essay *The Production of Security*, stated, "No government should have the right to prevent another government from going into competition with it, or to require consumers of security to come exclusively to it for this commodity." This is a necessary condition for a free society.

30. Free Market and Free Society

A free market is a necessary, but not sufficient, condition for a free society. A free society necessarily has a free market system—if the market is controlled by coercion, then society is controlled by coercion. Conceptually, a free market could exist in a society where people are controlled only outside of the market, such as in their religious beliefs and behavior. In general, though, free markets and free societies will coexist.

A free market is characterized by open entry for all who want to participate as buyers and sellers of goods and services, by adherence to contracts, and by respect for property. Competition keeps markets efficient and creates a wide range of products and services that are responsive to demand from consumers.

Free markets function without external interference, as from a State. A free market does not have restraints on trade. It does not have a fiat currency forced upon the market as a medium of exchange.¹²

It is possible, although unlikely, that a State would allow a truly free market to exist, even in approximation. If it did, it would create a situation of a free market existing within an unfree society—where businesses could function without controls and property confiscation, but individuals could not.

Free societies can exist only in the absence of the State or other dominant, manipulative institutions. Almost-free societies can exist under a minimal State, at least for a while. Minimal States appear to be inherently unstable, prone to evolve into intrusive States and empires. Even in their minimal condition, they still involve the use of coercion, and they therefore conflict with the Principle of Equal Freedom.

31. Money in a Free Market

Money is a medium of exchange. It might have intrinsic value; it might be paper that represents things of intrinsic value; it might be a consumable; it might be a promise of service; it might be tangible; it might be an electronic digit; it might be a spoken word; it might be a piece of paper with no intrinsic or extrinsic value.

In a free market, anyone can offer anyone else whatever he wants as an exchange item. The counter party can accept or reject any proffered item. Anyone can define and offer up a money for general use, which is a necessary condition for a free market.

Precious metal coins and bars, and certificates for same, would likely predominate in a free

¹² A fiat currency is manipulated by political government, typically through its central bank, which is a form of market manipulation. Central banks also manipulate some interest rates, which is another form of market manipulation.

market, but eggs, gun cartridges, jewelry, bottles of alcohol, and innumerable other items could be used, especially in times of economic crisis. Promises of future labor, which could be expressed on paper, could also be used. If the items are passed among people without being consumed and without deteriorating to lose their value, then those items are actual mediums of exchange, not simply barter items.

32. Contracts

Contracts are agreements that define rights, entitlements, and responsibilities between various parties. They are voluntarily entered without the presence of coercion or fraud.

Explicit and implied contracts span societies in a complex web of relationships that define the very nature of societies.

Contracts hold sway over general principles, including the Principle of Equal Freedom. This is because the agreements are freely made, with each party giving up something and each receiving something of value in return. This can be as straightforward as an owner giving up use of an apartment in return for rent payments, while the renter gives up money or other property in return for use of the apartment.

Contracts are generally not perpetual, being an agreement between people, although a contract might allow its continuance with a person's continuing estate. Contracts might be momentary agreements, as with the purchase of a loaf of bread in a marketplace (although implied terms of product quality might linger for a while longer).

Contracts among people can establish business and social associations, which can extend across generations of people. Contracts with and between corporations define business and market relationships. Marriages and other living arrangements are established, and ended, with contracts.

33. Contracts Including the Principle

The Principle of Equal Freedom is a code of conduct among people. It is important to recognize that the principle itself is neither a contract nor a constitution.

If two parties settle next to each other as neighbors in the absence of a State, then they can determine the relationship they would live by. They might sign a *written* agreement to adhere to the Principle of Equal Freedom, and that agreement becomes their contract. They might make a *spoken* agreement to live by the principle. They might establish through customary behavior a pattern of noninterference, which could lead to an *implied* contract to follow the principle. Their agreement, done in whichever manner, becomes their social contract, while the principle is the code of conduct that is the subject of the contract.

Then party *A* and party *B* have an agreement in place by which they will live. Other parties moving into their neighborhood may join in the agreement and extend the breadth of the social contract. It is the nature of a contract that it is between parties who have agreed to it. No one can be forced into the expanding agreement, because that would not be a valid contract, in addition to being a violation of the principle itself. Other family members and newcomers to the neighborhood are not automatically part of the contract unless they also establish agreements

with other parties—people cannot be forced into a contract by coercion, fraud, social custom, or other means.

While written contracts are the strongest and clearest contracts, they could become cumbersome in a growing neighborhood as more people arrive and more children reach adulthood. Five parties would require 10 individual contracts, while 10 parties would require 45 individual contracts. Even the case of every person going around to every other for spoken agreements eventually becomes unwieldy. A newcomer or new adult swearing an oath before some person in the community does not establish a contract with others in the community unless all of the other people in the community have specifically appointed that person as their agent¹³—which properly should be done by written agreement, which again becomes cumbersome.

In a free society, people will have explicit contracts with their noncoercive governments. The governments can include a statement of the principle in the contracts with their clients with a provision that the government and clients agree to follow the principle. In this approach, governments and their clients can contractually agree to abide by the principle.

A registrar could maintain an open contract that could be signed by self-responsible people, in which the signers agree to abide by the principle with other people who have signed such an open contract or with other people in general. In a free society where the principle is widely recognized this would be unnecessary. A person could choose to not sign any such agreements, but simply go through life on his own terms. This would be sufficient if he respects the lives and properties of others, because he would be following the principle implicitly.

34. **Contracts for Exchange**

A valid contract for exchange is an agreement to exchange properties or services for the benefit of all contractual parties, done without coercion or fraud. An agreement that *A* shall give some property or service to *B*, but shall receive nothing in return is usually considered to be an invalid contract unless it is clear that *A* values the goodwill involved.

If *B* coerces *A* into signing an agreement, there is no valid contract and nothing is binding upon *A*. If *B* enters a contract fraudulently, there is no valid contract and nothing is binding upon *A*, but default provisions could apply to *B*.

Consider the case where *A* has a car for sale for \$1000 and *B* has \$1000.¹⁴ *A* hands over the car, possibly with formal title transfer, expecting payment according to their agreement. *B* fails to pay, but keeps the car. With *B* keeping possession, but not transferring payment, the contract is fraudulent and thus not valid—except for any default clauses it might contain. *A* remains the owner because there is no valid transfer contract. If *A* made a title transfer, he can return to the registrar and have the title transfer voided upon proof of fraud. *A* can, in my opinion, enter upon the land of *B* to repossess *A*'s car. He cannot invade *B*'s home to take the \$1000 payment, nor

¹³ Voting for a person does not constitute a contractual agent appointment.

¹⁴ This is similar to a case in Murray Rothbard's *The Ethics of Liberty*, with a somewhat different assessment.

can he attempt to take \$1000 from *B* in some other manner that involves coercion or fraud. Since the contract is no longer valid and binding (except for default clauses), *A* is entitled only to repossession of his car plus expenses of repossession and damages, if any. Those expenses can be pursued through the filing of a public claim against *B*. *A* is entitled to make public the default and general behavior of *B*. The principle in this case is that the property transfer contract was fraudulent and thus not valid, so there was no valid transfer of property ownership. The determination of ownership of property in or following an exchange is done by looking at the terms of the contract—it is the contract, not physical possession, that determines ownership in a case such as this.

Generally, contractual obligations arise only under contracts of exchange, which include sales, trades, and employment. The parties involved are considered competent to set their own terms. Damages from contractual defaults could be in the form of physical damage to property, loss of use of property, loss of services, and failure to pay for obligations.

Simple agreements and promises that do not include exchanges of properties or services generally will not result in obligations to perform or adhere to the agreements. Of course, failure to keep simple agreements or promises can damage a person's reputation even if he incurs no obligation for compensation.

35. An Absence of Coercion

The principle defines the free interactions among individuals, groups, and organizations within a society. It can also be a principle for the functioning of society, done when a large majority of the people in a society live by the principle and there is no organized coercive control imposed on morally-acting members of the society. Essential protection can be provided by noncoercive governments. An absence of coercion is the primary characteristic of a free society.

Noncoercive governments operating by the Principle of Equal Freedom are proprietary, having definite owners. If the owners operate by the principle, they cannot coerce morally-acting people, which also means they cannot impose a monopoly. Proprietary governments can compete in their areas of operation to provide protective services. Since they have definite owners, the public does not directly elect officers, nor is there any need or benefit to do so. The public "votes" with their wallets by subscribing to the protective organizations they like and not subscribing to the ones they dislike. Protective organizations that are not effective or that operate improperly go out of business when people choose to not support them. If a proprietary government is found to be corrupt, it can be promptly put out of business by clients cancelling their contracts. In contrast, if a coercive government is found to be corrupt, there is little the population can do in reality short of armed insurrection or voting out corrupt individuals, which does not usually remove the corrupt government.

The members of any society are morally entitled to protect themselves from criminal violence, which includes removing threats of criminal violence. It is proper for a person to pay for protection that he requests, but none have a right to coerce payment from the person for protection, or any other service, that he has not requested, unless he has voluntarily made use of such service.

People are always products of their own time, with their thought patterns shaped by their

society. Few can truly break free of their own time to see more distant horizons. This makes it possible for people to convince themselves that they understand a broad concept, when they actually see it only through the prejudices and propaganda of their society or through their own preferences.

This skewed perception is a difficulty even among people wanting to establish or adapt a social system in accordance with the principle. It is not at all difficult to find people who like the concept of the principle and agree that it would make a good basis for society, but who will promptly reject corollaries derived directly from the principle. As an example, a person's property cannot be taken or used without specific permission according to the principle, so, by the principle, if he does not want to pay taxes, he does not have to. But, at least in the US, taxation is rationalized under the argument that everyone, by majority vote, has given permission for his property to be taken in whatever amount the government decides upon. And it is collected under the application of heavy coercion. The words *majority vote* and *coercion* are clues that the principle is not in effect. There is an abundance of people who like the concept of the principle, yet insist that paying taxes under coercion is right and proper.

The Principle of Equal Freedom does not allow use of coercion (although it does not preclude appropriate use of force).

As the principle is put forth as a basis for society, there will be people who like the sound of it, but who do not want to give up coercion. They would rewrite the principle into something that it is not, but apply the name. They would try to present their version of coercion as a workable version of freedom. However, coercion and freedom are not compatible. The States on this planet put substantial effort into trying to convince their populations that they have all the freedom that is practical, and that the coercion applied by the State is essential for their safety and well being. Their success relies on the tolerance of their populations for various degrees of coercion.

Any citizen can conduct a simple test of his condition: Can he live his life the way he wants to, allowing the same for others, and does he have full control of all of his properties? If he can answer "yes", then he is living in freedom, otherwise, he does not live in freedom.

36. An Absence of Fraudulent Control

As with coercion, fraud interferes with the ability of people to live their lives as they would otherwise wish. Fraud from major institutions can affect all people in a society, not just those who accept the fraud. The fraudulent institutions influence their captured audience who typically shape their behavior according to how they have been deceived. Those behaviors propagate through the society, with some degree of influence on others, even when that influence is recognized by the independent people.

Institutional fraud seldom exists without coercion as its companion. Either the fraudulent institutions exert direct coercion, which is common, or they influence their followers who then exert coercion. This quite commonly shows in the laws enacted by a State, where the laws adhere to the pattern of fraud from those institutions.

A free society can function well in the presence of institutional fraud provided those institutions affect only a modest part of the population and where that fraud does not become

converted into coercion. Some vigilance is always important to assure that religious beliefs do not interfere with principle, perhaps most critical with people such as adjudicators, whose decisions can strongly affect others.

37. Noninterference and Its Balance Point

A free society assures its members that interference with their lives will not be tolerated if they are living in accordance with the Principle of Equal Freedom—that is, they are not interfering with the lives of others who are also entitled to noninterference.

The balance point of the rights and actions of one person versus the rights and actions of another obviously is an important issue to be resolved in a free society, just as it is in any other society. There almost certainly is no single rule of adjudication or settlement that will define the balance point that is considered to be the point of noninterference that is suitable for all free societies for all time. No one has turned up such a universal rule in the past 7000 years of civilization, and there is no hint that such a rule is on the verge of discovery or formulation.

No such rule is essential. What is essential is that adjudication or other forms of settlement be based on an honest attempt to reach a fair settlement. A fair settlement does not necessarily mean a compromise, that both parties must give up some of their position. A fair settlement could be fully in favor of either party. A fair settlement does not mean that all parties are happy with the settlement, because not everyone's point of happiness will be fully in accordance with equal freedom. What all members of a free society should be interested in is that an honest attempt was made to define a balance point of noninterference between parties seeking assistance from the community or from professional judges or arbitrators in settling a dispute.

Nearly every issue of conflict between people within their society involves the existence of contracts, including implied contracts, and the ownership of properties. The resolution of balance points, allowable actions, and disputes will follow from assessments of relevant contracts and property ownership.

38. The Freedom of Individuals

The starting point for the determination of individual rights and freedoms in a free society should be the Principle of Equal Freedom, or some equivalent concept.

It leads to conclusions regarding the proper structures and processes of society that are contrary to many generally accepted at the present time. It can form a basis for a universal concept of morality consistent with the basic biological survival of individuals, and that enables beneficial evolution of society.

A natural law is one from the physical or biological realm, that is a human statement of the way things work. These laws are impartial, they work without human intervention, and they are reliable in their application and repeatability. A natural freedom of action exists for particles in the physical realm, and for animals in the biological realm. In the sociological realm, we encounter political laws and social prohibitions that have no analogues in the physical and biological realms. We can however, identify natural social rights that are extensions or analogues of the natural freedoms from those realms. The most fundamental of the natural

freedoms is that of an individual acting to keep himself alive and improve the quality of his life.

All forms of control over people have their roots in the psychological states of the individuals wanting to exert control, even when elaborate indirect mechanisms are used to implement the control. The primary drives that cause people to want to exert control over others are the four listed earlier: psychological dominance, greed and envy, political ideology, and religious ideology.

39. Implications on Societal Structure and Function

In a society of freedom, there is flexibility and adaptability, not rigidity. Such a society is founded upon a principle, not a specific set of rules, which gives society an ability to evolve to meet changing needs and preferences of the population.

With individuals freely making the choices that define their own lives, the structure and function of society adapts to their needs and preferences through market mechanisms. There is no institutional coercion or fraud from State or Church to manipulate people—there is no State and there is no Church with authority over society.

A free society obviously has no coercive central planning committee, no zoning boards or similar functionaries employing coercion. There might be advisory groups of interested people who offer suggested guidelines for development patterns or projects involving lands under several different owners. Landowners might or might not follow the suggestions of advisory boards or the wishes of other landowners. If a group of landowners is unhappy with the development plans of a particular owner, they either learn to live with that owner's choices, they could use noncoercive persuasion, or they could try to buy the property in question so they can develop it as they wish.

Society will have private sources of those useful services currently provided by States. Contemporary regulatory agencies that are useful will be replaced by noncoercive advisory groups. A free society that is also a complex, modern one will undoubtedly have a wide variety of advisory and educational organizations. Their financial support will come from those people who find the services useful and are willing to pay for them.

The life, liberty, and estate of people need protection. A society based on the Principle of Equal Freedom will include offered protection of the properties of members of the society, otherwise it might fail as a society. In a loose aggregation of people with a frontiersman approach to living, every man looks out for himself and often for his neighbor. The society offers little or no protection of life, liberty, and tangible property, and likely none for intellectual property. This is not adequate for a complex, civilized society that includes a high degree of specialization.

The protection should be available as offered services, but cannot be forced upon people. If it is forced, then the society is clearly not one of freedom. Coercion is not an option in a free society.

Service agencies can provide a wide range of services, including ones for which no charge is made, as is the case with charitable organizations. Without the burden of taxation and waste by political government, people can give voluntary contributions to relief organizations that provide assistance in times of hardship and catastrophe.

The result is that necessary or desired functions are provided through voluntary actions by organizations responsive to the needs of people.

40. Corporations and Other Associations

The Principle of Equal Freedom and its corollaries apply to associations of people as they do to individuals. In associations:

1. By the act of associating, people do not gain or lose any rights or responsibilities with respect to the principle in their role in an association
2. People cannot write contracts among themselves that grant to them, individually or collectively, any rights with respect to others not already provided by the principle, neither can they deny responsibilities deriving from the principle.

In this manner, a contractual association of people has much the same rights and responsibilities as an individual. What people put into contracts among themselves in an association affects their rights and responsibilities within the association, but has no effect on parties who are not members of the association.

It follows then that no group of people can come together and create a contract that gives them a right to tax or in any manner control the lives of others. Getting outsiders to endorse such an agreement through voting or other action in no way validates such a vehicle.

Corporations and other associations arise naturally in both market and general social environments. They are vehicles for concentration and direction of human activities, done in a voluntary manner. They can pool capital to engage in large-scale business operations.

Without political government, in the words of Robert Hessen, "Corporations are created and sustained entirely by exercise of individual rights, specifically freedom of association and freedom of contract."¹⁵

Some people who are friends of freedom object to the concept of corporations. This is fine if they object to the corporations created and defined by the State, which is the case with contemporary corporations. The State forces contemporary corporations to operate like miniature States themselves. However, *corporation* is a word, a label, which, because of its inherent mobility as a word, can be applied to business or other associations that are operated entirely consistent with the Principle of Equal Freedom. We might think of these as *private corporations*, in contrast to State-created corporations. For simplicity, I just refer to them as corporations.

In a free society there is:

- No political government to artificially limit the liabilities of corporate owners and officers
- No political government to provide corporations with access to money from taxpayers or grant other special privileges (there are, of course, no taxpayers)
- No political government to artificially limit the establishment, expansion, or operation of

¹⁵ Hessen, *In Defense of The Corporation*.

businesses.

Corporations, especially their owners, in free societies then need to be mindful of their liability exposures in operations and financial obligations, among other areas.

They can operate successfully only by providing goods and services that are in demand in the market place. They operate under contracts with customers, employees, members, suppliers, insurers, and financing agencies, and are always subject to potential rejections by any of those parties. Through disassociation and boycott, the parties can bring an end to a corporation being operated in conflict with the Principle of Equal Freedom.

Corporate owners and officers do not lose their personal responsibilities simply because their corporation has ceased business.

There does not appear to be any fundamental reason under the principle why a company could not in some cases limit the financial obligations of its owners to the capital that they provided to the company as its operating capital, provided the owners and officers are careful to make that fact known to all who associate with the company. This could be done by describing the company as a Limited Liability Company (LLC). This limitation would apply only to those relationships where other parties recognize that liability limit and agree to proceed on that basis in doing business with the company. It would not apply to injured parties who have not specifically agreed to the limitation. This condition follows from the principle that people cannot associate and agree among themselves, on their own, that they will not be fully responsible for their actions when acting as an association—they cannot make a valid agreement that they will deny other parties the rights they have under the Principle of Equal Freedom. So people could form an LLC that would provide them some limitations on their liabilities, but not with respect to third parties who are injured by the association—those owners and officers can protect themselves by carrying generous levels of liability insurance.

As examples, an LLC could borrow money from a bank on the basis of limited liability, so in the event of default, the bank would have no recourse with the owners (provided there was no malfeasance or fraud involved). But in another case where actions of the LLC caused property damage and personal injuries to third parties, there is no basis for limiting the liability of the owners and officers, because that would be interference with the rights of the injured people to receive full and fair compensation for their losses and injuries. What matters is that those injured third parties receive full and fair compensation, whether paid by the corporation, an insurance company, or the owners and officers.

Some businesses, such as private banks, might best be established as unlimited liability companies, where the owners are fully responsible for the financial obligations of the business.

Business and social associations would be well advised to register their association with a recognized registrar to assure that others realize they are dealing with an association, not an individual, and to protect their association's name and credit standing.

41. Corporate Structure and Liabilities

Corporations and other business associations in a free society could, and rationally would, sell shares of future profits as a means of raising capital without a conveyance of ownership, so those

shareholders participate in the successful growth of the company, but do not acquire the liabilities that go with ownership. As non-owners, they do not participate in the management of the company. Non-voting common shares are contemporary instruments close to this concept of *profit shares*. Naturally, in the contemporary world, it is difficult for a company to issue non-voting common shares because of the State's regulators. A weakness with contemporary non-voting common shares is that those shareholders do not have contractually defined rights to earned profits. Contemporary preferred shares typically have contractually fixed payouts, and so do not get to participate in the successful growth of the company. A rarely used instrument called participating preferred shares could be defined in such a way as to provide participation in profit growth without conveying ownership.

A particular class of profit shares could have a defined portion of net profit assigned to that class. That portion might be a fixed percentage across time, or it might be a declining percentage across time. The corporation might have a contractual right or option to eventually repurchase those profit shares.

At the same time, the corporation could have its ownership held by several people or other business associations. Those owners are exposed to full liabilities of the corporation, and presumably have greater financial rewards for successful and profitable operations than the *profit shareholders*.

In a free society, people holding interests in corporations might have different liabilities than do shareholders in contemporary society, where the State dictates many rules for corporate ownership and operations. Both common law and common sense hold that people who own, operate, or manage things, whether vehicles or companies or other, have responsibilities for consequences, while people without authority usually do not have responsibilities. With a corporation, liability resides with owners, managers, and operators. This could result in a shareholder structure like the following:

Proprietor Shareholders: These shareholders are the owners in the conventional sense and have the authority to manage the company directly or through delegates (board of directors and corporate officers). Since they have this authority, they also have the responsibilities and liabilities of owners. This class of shares is perpetual with the existence of the company, although specific blocks of shares could be retired. These shares could be privately or publically held. A legitimate company must have at least one proprietor shareholder.

Common Shareholders: These shareholders do not vote and have no authority over the operation of the company. They would generally be held to have no liability since they have no control. These shares are issued to provide working capital for the corporation without specified dividends. The shares could be perpetual or redeemable, and are generally like the Common B nonvoting shares issued by some contemporary companies.

Preferred Shareholders: These shareholders are like the common shareholders, except that they receive specified dividends, not necessarily fixed, that have priority over common and proprietor dividends, and have priority over those other shareholders in the event of dissolution.

Bond and Note Holders: These holders have provided temporary working capital to the corporation for specified dividends and return of capital. These holders do not vote and have no authority over the operation of the company. They would generally be held to have no liability since they have no control.

42. Extent of Moral Actions

The extent of allowable, or moral, actions in a free society are determined by analysis of the Principle of Equal Freedom and its corollaries. The analysis could draw upon elements of common law that are compatible with the principle. Allowable actions are not determined by a State, nor by a set of laws inherited from a State. A free society would likely have experts on the principle and its implications who would provide their expertise in recommendations in adjudication processes.

A person has the liberty to act for his personal benefit and happiness, subject to the reciprocal clause of the principle. Where other people are involved in his actions, those acts would be under implied or explicit contractual consent.

A morally-acting person's liberty encounters a boundary at the properties of another. Typically these boundaries are clear from a consideration of underlying principles. Where they are not clear, negotiation or adjudication can settle associated issues.

A morally-acting person does not interfere¹⁶ with the life, liberty, or estate properties of another person, neither directly nor through a third party. However, one can take actions that affect the properties of another where contractual rights or contractual obligations exist; where natural obligations exist (as in being the parent of a minor); where uninvited interventions are for the purpose of protecting another's life, liberty, or estate properties; or in similar justifiable circumstances.

43. Interventions

Anyone can intervene in a situation to protect another from an externally-generated event likely to be harmful to that other person (including his properties)—this intervention is compatible with the principle. Since the principle does not prohibit helpful intervention, it is always allowed except where expressly forbidden. It includes removal of person or property from fire, subduing an assailant, and similar situations. It does not include preventing a person from sky diving or deliberate suicide¹⁷, which are internally-generated (volitional) events. The potential event need not necessarily be an immediate threat.

The principle does not require helpful interventions, although contracts could. Requiring helpful interventions outside of contracts would actually violate the principle. However, if I learned that a person, who could have taken some action, saw an assault resulting in serious injury to the victim and did not intervene, did not call a protective agency for assistance, and did not summon or give medical assistance, I would choose to shun that person socially and economically for the rest of his life. That is social ostracism.

¹⁶ Interference in the sense of causing direct harm or imposing unwanted intervention.

¹⁷ Talking a suicidal person out of his intended action is not prevention in a strict sense, because the final decision to act or not is a volitional decision by the subject. This assumes the subject is a competent adult.

An interesting example exists in maritime common law, which requires that ship captains give assistance to ships in trouble on the seas. In a free society, ship captains would likely be hired by shipping companies that require their captains to have valid master's certificates from recognized academies. Those academies could well require that certain conditions be met for their certificates to remain valid. One of those conditions could be that their certified captains provide all practical assistance to ships in trouble on the seas. His employer could impose similar requirements. In this way, a captain would find that he has obligations of assistance to others with whom he has no contract. Of course, one would expect that a captain would act out of conscience and professionalism, without need of any obligation. Similar conditions could exist for any other certified professional.

44. Protection of Person

The protection of a person can be with respect to his physical, biological, psychological, and social existence, that is, his body, life, mind, and liberty. That protection can arise from the victim or any other person or agency.

In addition to protection of a specific person, protection can be for a group, including the people of a particular region or country. If a person holds coercive or fraudulent power over others, that person can be relieved of his powers, incarcerated, or subjected to lethal force if necessary to protect the people who are subjects of abuse.

45. Protection of Property

The protection of a person's property can be with respect to his estate properties of any kind. As with the previous case, that protection can arise from the victim or any other person or agency. The protection can be extended beyond an individual to groups of people.

46. Forceful Intervention

Forceful intervention can be done by any person or agency to prevent coercion or fraud upon a subject, except where expressly forbidden by the subject as a competent adult. The degree of force should be consistent with the magnitude of danger or potential damage.

Since a protective agency is a person in society and its agents are typically persons, agents can intervene to prevent incipient criminal acts, whether the victim is a client of the agency or not. This includes the extreme interventions of applying lethal force or incarceration of a criminal to remove the threat—actions that obviously should not be taken without adequate justification.

47. Authority of Office

The principle does not change because of the nature of some business. Thus no business or other operation acquires rights or responsibilities, nor loses rights or responsibilities, relative to any other person in a free society, except by valid contract. No business, agency, or person can have

authority of office over others, except by valid contract that is typically cancelable. An officer or agent has rights and responsibilities that are identical with other individuals, subject to contractual extensions.

48. Violations of the Noninterference Clause

Life in a free society should generally be a pleasant pursuit of self interests, except for adverse events that are either natural or caused by actions or inactions of other people. In the latter case, when the life, liberty, or properties of a person are harmed or removed without consent, a violation of the noninterference clause has occurred. A criminal would tend to leave it at that. A morally-acting person who caused a dislocation would try to quickly reach a settlement with the person who suffered the dislocation.

If the dislocation was accidental and the responsible person is acting to achieve a settlement with the victim, the responsible person should be treated as though he is in compliance with the principle. If the dislocation was deliberate, but the responsible person is acting to achieve a settlement with the victim, the responsible person should be recognized as attempting to return to compliance with the principle. A person responsible for a dislocation who takes no action to repair the situation when capable of doing so usually should be considered to be in violation of the principle, and possibly an outright criminal.

49. Restitution

Restitution is the means of restoring dislocations in a manner compatible with the Principle of Equal Freedom. Dislocations obviously can be either intentional or accidental results from the actions or inactions of people (dislocations caused by natural events are not subjects of restitution).

Justice is achieved through restitution. Restitution does not fully make up for dislocations, especially criminal acts, but it does far better for the victim than the system of fines paid to the State and imprisonment used in contemporary society.

The amount of restitution could be determined by communications between the two parties involved, or through their agents. The proper amount of restitution is what they agree upon in their circumstances. Alternatively, a restitution amount could be set in adjudication.

A restitution settlement could include terms beyond simple payment of funds. Especially appropriate for criminal cases, a settlement might include a “stay away” clause. If the criminal violates that condition, he is deemed to have violated the settlement. A violation of this kind of condition could be taken by any and all as an immediate threat to the protected person.

Proper restitution includes damages and all associated or resultant costs. It also includes compensation for emotional distress and threat to life resulting from violent criminal acts. Some restitutions are not precisely determinable, as in a criminal threat to life, but it is possible to arrive at restitution amounts that are deemed fair to the parties.

If a person refuses to make restitution or does not abide by the terms of the restitution settlement, then he has failed to uphold the noninterference clause of the principle. He is a violator of the principle and can be subject to repercussions.

Accidents that are the fault of a person, which result in harm to life, liberty, or estate of another, are clearly cases where restitutions are due. Justice is achieved where an affected person is restored as closely as possible or practical to his original condition, with consideration given to additional factors such as pain, suffering, or psychological effects.

Criminal acts are typically actions with intent to harm. Sometimes it is only a matter of understanding intent in determining whether a harmful act was an accident or a criminal act. Since restitution, not punishment, should be a goal in a free society, a prompt action of restitution could be taken as evidence of accident or regrettable impulse. However, if intent to harm is the case, then some form of isolation could be considered along with a requirement for restitution.

Death of a victim, whether through murder or accident, is one of the most difficult restitution cases. There is no true justice to be obtained for the victim. Restitution is payable to the estate of the victim, which would be managed by a trustee. If the victim had economic dependents, such as children, child support might be payable on their behalf until they are adults. If life insurance was paid off for the victim, the insurance organization could be justified in seeking reimbursement from the responsible party.

Equal violence does not bring justice. First, retribution is a criminal act followed by a criminal act. Taking an eye for an eye or a life for a life is primitive revenge, not justice.

Under the concept of justice from equal violence, a rapist could be raped in turn by the victim, or the victim could hire a prostitute to rape the criminal. This obviously does not bring justice, nor does it solve the problem of stopping the criminal. A rapist could leave a large number of victims without ever suffering a significant penalty or acting to bring some form of justice to the victims. With this concept of justice, the best society could hope for is that the rapist soon expires from sexual exhaustion.

Second, the person causing the dislocation is passive in a case of retribution, whereas principle indicates that person should take active steps to correct the dislocation so he will not remain in violation of the principle.

Third, retribution is usually intended to “correct” a criminal act, but not all damaging acts are criminal—some are accidents or immediately-regretted impulses for which the responsible party could be ready to make amends if given the opportunity.

Where the Principle of Equal Freedom is the guiding principle, the second item is of major importance. The person causing a dislocation has the ethical burden of making amends by action on his part. If he does not act himself, or by agent, to correct a dislocation for which he is responsible, then he is noncompliant with the principle and could lose some or all of the protection offered by the principle.

A free society must rely on a system of restitution and isolation of criminals to achieve some level of justice and protection from criminals. Equal violence is not a suitable answer in a free society, nor in any other.

50. **Ostracism**

Ostracism and public disapproval are means of control that have been used effectively over probably tens of thousands of years. Their first use was undoubtedly with hunter-gatherer groups long before civilization began. These modes are also used effectively in many situations in

modern society. Many cases of racial segregation were eliminated through the effect of public disapproval, including elimination of associated violence.¹⁸

In a free society, social and economic ostracism can be applied to pressure people to comply with the Principle of Equal Freedom. It is applicable to both criminals and accidental transgressors. Ostracism is basically passive, with people and businesses just choosing to not associate with or do business with the transgressor.

Social ostracism consists of people choosing to have no personal contact with a miscreant. Economic ostracism consists of people and businesses refusing to have economic interactions with the person, which could include the closing of bank and credit accounts.

The economic ostracism of a person cannot include coercively removing his properties or denying him access to his properties without his consent. If a person is being subjected to economic ostracism, the bank where he has accounts could choose to cease doing business with him, but might not properly withhold the assets in those accounts. His accounts could be disabled, so he could not issue checks or receive interest, but he could withdraw his assets from the bank without interference. However, banks and other institutions could include in their account contracts provision that client funds could be frozen if an adjudicated settlement is outstanding, or even applied to an adjudicated settlement.

A bank might include in its contractual terms and conditions a provision that assets in accounts could be frozen or transferred to a trustee if the account holder is found guilty of a criminal act in a formal adjudication process. Remaining assets could be returned to the account holder after settlement with the victim of the crime.

51. Isolation of Criminals

Since the members of any society are morally entitled to protect themselves from criminals, the isolation of criminals for protection is a moral solution compatible with the principle. It is the criminals who are violating the principle.

Isolation, or threat of it, could in many cases cause criminals to make restitution to remove or reduce the isolation they are faced with. Isolation is enforced ostracism—an active process.

The isolation might be as simple as full economic and/or social ostracism, or as extreme as imprisonment. House arrest and banishment could be intermediate forms of isolation. Imprisonment, if used, would be appropriate for violent criminals who are likely to repeat their crimes. Execution, if its use is selected in a society, should be used only when there is essentially a certainty of guilt of extreme crime and the society needs to be protected from recurrence of the crime.

The protection of others is generally the only justification for incarceration.

52. Civics

In a free society, the nature of the society is determined by the actions of the population; there is no State imposing form and function upon society. The freedom of action of citizens and their

¹⁸ Newcomb, Turner, and Converse, 1965.

responsibilities, as the primary determinants of the nature and success of society, need to be clearly understood by the population to assure a minimum of conflicts and a maximum of success. Education in free-society civics is highly important to this end (the content of this civics is quite different from the civics taught in State-controlled schools, where the focus is on the citizen obeying the State).

In a free society, there can be no societal theft from the individual and no form of slavery imposed upon him. He meets his societal obligations in full by meeting all of the obligations he has to individuals within the society, while complying with the Principle of Equal Freedom. When that is done, there are no further calls upon him until he voluntarily enters into new agreements with other individuals.

The principle can be maintained only under conditions of people wanting the principle to be in effect. A social system can be based on the principle without everyone supporting it. The reality is that no matter how desirable such a social system might be, there will always be some people choosing to live their lives in conflict with the principle. The social system will not fail because of lack of universal support. In fact, this system would be quite robust and able to accommodate those individuals through the system of justice and other aspects of the overall social system. However, this social system would be difficult to implement and maintain if only a small fraction of the population wanted to live under the system.

53. Variations Among Societies

If all of humanity could exist without the presence of States, it would be strange indeed if all of its societies interpreted the Principle of Equal Freedom exactly the same and created exactly the same societal conditions. That is something quite contrary to the nature of contemporary man, who has some tendency to enter discussions with his mouth open and his ears closed. People hold different opinions about how things ought to be done, which will result in different expressions of the principle in different areas.

An essential aspect of freedom is that people have the ability to move and live wherever they wish. Dissatisfaction with the society in which one lives is a good reason to consider moving to another. Where freedom exists, people can move there and live their lives as they wish while respecting the lives, liberties, and estate properties of others.

Any society that implements the principle to a substantial degree will be a major improvement over societies under coercive control by States.

Chapter 4

Application in a Controlled Society

Freedom cannot exist within the realm of a State. Freedom and a constitution are incompatible, because a constitution is part of a State.

All political, coercive organizations—republics, empires, central banks—eventually fail, primarily because they lack the self-corrective features of private organizations that must perform well or go out of business. Coercive organizations rely on their authority to force compliance by the population in their efforts to perpetuate their existence, which private organizations cannot do.

The desire on the part of many humans to control others and to inflict harm as a demonstration of that control seems almost boundless. Also frightening is the malleability of people and their willingness to do those harmful things when ordered by authorities when they otherwise would not. A free society can exist and remain stable only when these behavioral factors are allowed for through isolation and denial of coercive opportunities. In a controlled society, each person seeking to maximize his freedom and safety must take these factors into account in the conduct of his life.

The Principle of Equal Freedom can be applied in controlled societies, but with difficulty. This is a starting point for establishing freedom on Earth. There are two key aspects to this situation: how the individual can survive and prosper, and how to establish freedom from within controlled societies.

The morally-acting individual trying to follow the principle will be faced with the fact that many moral activities are illegal. He must use his own judgement when it comes to illegal activities, but generally clearly illegal activities should be avoided.

There are three key impediments to changing society in the direction of freedom: the entrenched establishment that controls the State and benefits therefrom, the cadres of enforcers who are often strongly emotionally committed to the State, and the conservative population that does not want change.

Propaganda and myth are essential tools of the State. The most effective propaganda is that which is tied in with myth, even if the myth has to be reinvented for the purpose of the propaganda. When done effectively, the deceived can become angry at a suggestion that they have been deceived, and they are the conservative population not wanting change. Friends of freedom can act to counter this use of propaganda and myth, but they can change only a modest fraction of a population by reason and truth. The remainder of the population, if they can be changed, can be changed only by image.

54. **Applying the Principle in a Compromised Environment**

It is an irony lost on most Americans that their nation, which issues continuous propaganda about freedom for its citizens, actually does more to restrict the liberties of its citizens than several other governments in Western Civilization. Americans remain asleep at the throttle while the government juggernaut continues to run amok through their liberties.

Coercive government operates contrary to the principle, so the existence of coercive government necessarily means the society is not a free society, regardless of the propaganda issued by the government telling coerced people that they are free.

Given the nature of all societies currently on Earth, protection of morally-acting people is essential. That is the proper function of government: protection. It is only by tradition that this protection is provided by coercive governments. They are based on political implementation and enforce a monopoly upon the populace.

The ubiquitous presence of States means there are no free societies on Earth. All individuals exist in environments of arbitrary controls and property confiscation. Those people actively opposing the controls and property confiscation can find their liberty is also confiscated.

A person interested in experiencing the most freedom in this coercive world could do well to read Harry Browne's *How I Found Freedom in an Unfree World*.

It is relatively easy for individuals to choose to live by the principle as best they can in their environment. This is a choice each person can make on his own. Adapting the environment to the principle means implementing social change, which is difficult to do both because people have vested interests in avoiding changes and because they often fear changes to their environment. They understand the environment they are living in and usually know how to cope with it; they do not understand an environment that has never existed in human history.

Murray Rothbard, in an article titled *Libertarians in a State-Run World*,¹⁹ summarized his position as:

It seems to me, then, that the criterion, the ground on which we must stand, to be moral and rational in a state-run world, is to: (1) work and agitate as best we can, in behalf of liberty; (2) while working in the matrix of our given world, to refuse to *add* to its statism; and (3) to refuse to participate in State activities that are immoral and criminal *per se*.

¹⁹ *Liberty Magazine*, Dec. 1987, Vol 1.3, pp. 23-25;
www.lewrockwell.com/rothbard/rothbard232.html.

The Principle of Equal Freedom can be partially implemented in the presence of a State in two basic ways. Primarily, the individual adheres to the principle in his relations with others. The other approach is to develop communities and organizations that adhere to the principle while functioning in the presence of a State. Some might want to influence the State, to get it to reduce the level of coercion and adopt some fiscal responsibility.

55. The Principle, State, and Church

The principle cannot exist in full in the presence of the State, neither is it likely to exist in full in the presence of the Church. Both of those institutions employ coercion and fraud to control or otherwise manipulate people.

Any person who favors the existence of the State, or a Church that defines how people should live in society, and who claims to be committed to the Principle of Equal Freedom is suffering from cognitive dissonance—simultaneous beliefs in two contradictory concepts.

Most people want freedom for themselves and they want to define how their neighbors live their lives. In doing the latter, they deny themselves the freedom they want. They can define their neighbors lives only through some mechanisms of coercion, usually the State, but also often the Church. Through one or more of these mechanisms, they often succeed in controlling their neighbors. To do this, they must support the mechanisms of coercion and fraud. In the end, they find that those same mechanisms also control them, because the neighbors they want to control also want to control them.

This is the crux of the matter: To control others, people are also controlled. Achieving freedom for themselves requires that they allow freedom for their neighbors. To gain freedom in a coercive environment, people must allow and protect the freedom of their neighbors. In any society, the people all sink to the same level of subjugation or they all rise to the same level of freedom. The only exceptions are the people who make and enforce the laws and those people with sufficient wealth to buy effective exemption from the political laws.

Any coercive action that is applied to your neighbor can almost certainly be applied to you as well.

56. Sources of Coercion

Coercion arises from both political and religious sources. Coercion is seldom purely one or the other, but a mix. Religious controllers might prefer to have a more or less separate political structure present, provided they have control over its operation. Political controllers often find it advantageous to mix religion into their system, provided the religious leaders are cooperative.

Many people across the world want religious rule over society. They want to implement their various concepts of some Kingdom of God on Earth

There are Protestant, Islamic, and Catholic people who want religious rule. Some are right-wing, some are left-wing—with little difference among them, because they all want to see strong control over all people. The Taliban rule in Afghanistan was a microcosm of what the religious extremists want. Behavioral control, confiscation of property, imprisonment, torture, and death are all justified in their minds. We should never forget that the Catholic Church exerted near-

totalitarian control over Western Civilization for close to 1700 years, destroying and damaging countless lives while severely impeding the advancement of civilization. The religious leaders of ancient Egypt had an even longer run of nearly absolute control over their people.

The more conventional political controllers seek wealth, the ego-enhancing pleasure of dominance, and all of the other perks they can think of for themselves.

Both socialists and conservatives are supporters of the State. The socialist wants theft of the gains from productive people, while the conservative wants established authority preserved.

The socialist and conservative both want to use the power of the State to coerce rather than allow choice. The left and right, socialist and conservative, stand in opposition to liberty. It follows, then, that anyone truly favoring freedom cannot be left or right, socialist or conservative.

Most of the contemporary population of Earth live under systems that are less than totalitarian, with some blend of State and Church. These systems exist because the people want them to exist, because they have been successfully indoctrinated into the belief that their system is best for them.

The few who can see through the obfuscated coercion and fraud and want to live in freedom cannot fully succeed in the contemporary world, but they can often do much to improve their lives and advance the cause of freedom.

57. Exercise of Coercion

A society that has coercion as its foundation will always find the exercise of coercion throughout the society. The wealthy can always afford to apply coercion for their own benefit. Even people without wealth can attain government positions and can then exercise coercive power. People who find coercive power abhorrent and do not seek it for themselves will generally not enter the service of coercive government. As a result, officials and employees of coercive government are never a cross-section of the general population.

Every society based on coercion will have that coercion applied unevenly, with some members immune to much or all of the general coercion while others have their lives bound by it.

If members of a society are able to lobby their lawmakers to impose laws on others, then laws can also be imposed on the lobbyists. Under most States, the enforcers are also subject to the laws of the State, but in practice the application is highly skewed in their favor. Their transgressions usually must be blatant and highly public before they would be prosecuted. Members of the State at the executive and enforcer levels are often immune from liability while acting on behalf of the State.

It appears to be a certainty that every substantial society in human history has been based on coercion that has always been unevenly applied. Immunity, whether total or partial, arises from favorable political position, that is, by position relative to the State. This can be obtained in a wide range of possibilities, including holding political or religious office, being a State employee, being very wealthy, by birth into a favored family, and being a successful political manipulator or lobbyist.

58. Markets

There are no free markets on Earth because of the ubiquitous presence of States, propaganda to the contrary notwithstanding. Licensing restrains entries into the market place. Regulatory controls limit the range of products that could be offered and increase the cost of doing business, sometimes destroying companies and industries. Taxes bleed off capital that would otherwise result in lower prices and more reinvestment into the companies. Subsidies reward the inefficient, incompetent, and corrupt organizations. Manipulation of capital markets by central banks results in major distortions of the markets.

Regulatory control over access to capital, as with the issuance of securities, raises the cost of access to capital and can prevent new, innovative companies from entering into competition with established companies. This is an effective approach to protecting the status quo.

It is possible, and fairly easy, for friends of freedom to create micro markets that operate to a large extent in the manner of a free market. Anti-freedom people refer to them as gray or black markets.

Existing gray and black markets are usable by nearly all people who want to have access to them. Some of these markets are operated by true criminals.

Restricted micro free markets would be available to people of known identity who are vouched for or have other means of demonstrating that they adhere to principle. The people behind these markets should also demonstrate that they adhere to principle so as to protect their clients.

These clients must be careful of people who offer services, especially financial services, who claim to be highly principled, but will provide names and other data to State authorities when put under pressure by those authorities. Likewise, clients need to be careful of incompetent operators, however strongly principled, who cannot protect the users adequately.

59. Tyranny by Income Tax and Wage Withholding

People in Western Civilization have been freed from the tyranny of being serfs for a lord or property holder, but essentially everyone has become a serf to their State. Just as the lords took a large portion of their serfs' annual production, so the States take a large portion of their serfs' annual production. It is left to each serf to figure out how to live on the remainder he is allowed to keep.

Charlotte Twight's review of the evolution of US federal income tax withholding shows how well politicians understood their need for wage withholding and their trickery and propaganda used to implement the process.²⁰ Her work alone should be sufficient to instill in every reader a revulsion and distrust of political government.

60. Extent of Moral Actions

Neither the presence nor the nature of a State or Church changes in any way the moral validity of the Principle of Equal Freedom. This concept of morality does not adapt to those institutions.

A general lack of principled behavior in one's society is no excuse for operating without

²⁰ Twight, 1995.

principles or ethics.

In a coercive society, the State will allow some actions and conditions that are contrary to the principle. These actions and conditions are therefore not moral ones, but they are legal in that society. People who take advantage of that legality are not acting in a moral manner and are not following the principle. People who live in that society and adhere to the principle should regard those legal opportunists as people to be avoided.

States define many actions and conditions as illegal when they are consistent with the principle and thus are moral actions. A person adhering to the principle can choose to take those moral, but illegal, actions, but at some peril to himself. It is his own decision to make. If caught, he can expect both penalties imposed by the State and condemnation from some members of the society. He might be regarded as a heroic person by other members, the ones who understand the nature of freedom.

61. The Principle and Coercion

The implementation and maintenance of the Principle of Equal Freedom in a society where the societal structure is based on coercion are formidable tasks. The three primary reasons for the difficulty are the obvious resistance that will arise from people established in the controlling structures, the lack of support from the people who do not have confidence in a social system based on full freedom, and the desire of nearly all people to define how others are to live. However, since essentially the entire planet is under coercive control by States, this is the only starting place for people who want to live in freedom at the present time.

An alternate starting place is with new societies that might develop in some regions on Earth or in space. However, these societies might also be under some degree of control by States on Earth. Additionally, only a small fraction of the human population will be living in these societies. This does not solve the problem of how the principle could be implemented and maintained in large social systems on Earth.

People cannot live fully by the principle in a coercive society because their allowed actions are certain to be less than those allowed under the principle and they will not have full control of their properties. However, they can set their personal integrity by the principle and they can find people with the same values with whom to associate. These people could work toward a reduction in coercion in their society and an eventual establishment of the Principle as the foundation of society.

When a State tries to establish peace without also establishing substantial freedom and justice, one can be certain that freedom and justice will suffer even greater damages. By its nature, no State can allow full freedom, neither can anything approaching full justice be achieved under a State. Those States that can continue their existence successfully have populations that are reasonably content with the amount of freedom and justice allowed by the State. The balance point of what a population will tolerate is influenced by the effectiveness of the propaganda put out by the State and by its coercive strength. The stronger a State becomes in its coercive strength, the less freedom it has to allow to maintain its position.

62. Implications for Societal Structure and Function

The existence of a controlled society implies the existence of a State that, by its coercive powers, determines much of the structure of the society. Very little exists in any contemporary society under a State that is not defined or regulated by the State. Once a State has built up a massive bureaucracy, regulation and control extends to the smallest activities of people: a one-person business, permission to marry or divorce, permission to drive a car, and a vast multitude of other activities that fill daily life. People have given up to the State the determination of the structure of their society and the regulation of their activities. If they have paid their taxes, paid for the necessary licenses, and confine their actions to those tolerated by the State, they can go about their lives with little additional interference from the State. Those people who do not like massive State regulation have unhappy lives.

People striving to live according to the Principle of Equal Freedom in a controlled society do not have the ability to create significant societal structures or functions except by permission of the State, and then they must not interfere with any State monopoly. What they might create without State permission must generally be small enough to fit within an underground economy. However, the nature of the Internet creates many new opportunities for people operating within an underground economy.

The creation of international companies and other organizations has provided some means of circumventing State coercion, but at the present time, this flexibility appears to be eroding as individual States cooperate more with each other in regulating and taxing international organizations.

63. Freedom and War

Wars are activities of the State. Wars strengthen the State by the populace responding to nationalistic and patriotic urges and allowing the State to take up extended powers. Without States, there are no wars.

Every war into which the US entered over the past two centuries was unnecessary with the possible exception of World War II. In that instance, Japan and Germany initiated war upon the US, but Franklin D. Roosevelt manipulated events in such a way as to make the attack by Japan almost inevitable. Without Japan's attack, Americans could have supported Britain's efforts to defeat the Nazis and the Japanese as volunteers and through production. In fact, many American volunteers were already supporting Britain and China before the attack on Hawaii.

Every other war entered into by the US, including its Civil War, was a war to support its empire, and was unnecessary and therefore immoral. Wars benefit the State, never the individual who participates as a soldier. Government contractors can benefit greatly from the death and taxes.

To support war is to support the State. To engage in a war of offense is immoral. The politicians, soldiers, and citizens supporting a war of offense are acting immorally.

Refusing to participate is in effect a vote in favor of saving lives.

Armed defense is not to be confused with war. If one is attacked by thugs, one is entitled to engage in armed defense. This is true whether or not the thugs are in the uniform of a State. To defend oneself is to exercise a right recognized under common law and a right under the Principle of Equal Freedom.

One has to see through the propaganda and not be swayed by manipulative appeals to patriotism. Giving one's life to support the State is not being patriotic. Alternative news and refutations to the propaganda are readily available on the Internet.

64. Right to Ignore the State

All States are criminal organizations by the Principle of Equal Freedom, because they operate by coercion and fraud. A person adhering to the principle is not required by the principle to recognize any State, its claimed authorities, or its claims of ownership of properties. However, a practical moral person should always remain cognizant of the States' abilities to confiscate personal properties, incarcerate, and inflict death for violations of their rules. A similar condition holds true for Churches that operate by fraud and coercion.

A person wanting to live by the principle will, on this planet at this time, come into immediate conflict with the State that controls the region where he lives. If he does follow the principle, he will be in violation of the laws of the State. Morally, he can do this—live while ignoring the laws of the State. However, there are many other people in his society who believe that morality is defined by the laws of the State, not by independent principles. Most of the people who work for the State and enforce its laws are in this category. Many people who observe a principled person conducting his life morally would report legal violations.

Underground economies have a long tradition, one that is possibly as old as the invention of the State itself. There is evidence that underground economies are growing in many of the industrialized countries. This is the case in the US, where that growth has more or less mirrored the growth in taxation.

People wanting to live according to the Principle while continuing to live within the boundaries of a State have a moral right to associate with similar people and to circumvent the laws of the State to whatever degree they wish. They would become members of the underground economy. People with the wealth and inclination can make their home on a yacht, visiting countries that impose little or no interference on visitors. Others can simply move to countries with a more benign State than their home country. One caveat for Americans is that they remain subject to federal income taxes and requirements for reporting their non-US money accounts. Nearly all other major countries allow their expatriates to live without the imposition of income taxes.

Ignoring the State is a moral right, but it can entail risk of fines, financial destruction, imprisonment, torture, and death.

65. Right to Change the State

Thomas Paine stated a truth that should echo across all generations: No generation has a right to impose a government on future generations, and no generation has an obligation to accept a government created by an earlier generation.

A principle claimed in the US Declaration of Independence is the right to overturn a government that has become abusive to the people. Morally, people always have the right to change their government. The founders of America intended that this right of the people be

applicable toward the US government itself.

The US Constitution and other laws and rules prevent Americans from directly calling for a Constitutional Convention to restructure their government. Only politicians can convene a Constitutional Convention, but that is something they fear more than nuclear war. The major political parties will probably never allow a candidate into their parties who seeks to change the government in any substantial manner.

Meanwhile, all three branches of the US government are overriding the constitution.

Most contemporary States allow their citizens to vote for various candidates that their political parties have put forth. None allow their citizens to determine the structure, function, nature, or size of the government. Citizens are not allowed to make structural changes to the government through voting.

There is considerable debate among friends of freedom as to the use of voting to attempt changes in government. Since every politician is someone who will impose coercion upon others, some friends of freedom argue that voting, even when done with otherwise good intentions, amounts to endorsing and participating in exercises of coercion. My own conviction is that voting is indeed participation in coercion when done in support of a candidate.

In practice, voting for candidates promising somewhat less coercion than that promised by others is ineffective. Americans in particular do not have a history of voting for candidates promising less coercion.

There are other ways in which freedom can be advanced that are entirely free of coercion. These are typically approaches that develop noncoercive alternatives to political government.

66. **Defensive, Anti-coercion Voting**

Since people can properly defend themselves and others consistent with the principle, there are some instances where voting is consistent with the principle—specifically, voting to reduce coercion or corruption in political government.

Voting against a particular politician who is unusually coercive or corrupt can be viewed as a defensive action on the part of the voter. The intent here is to remove the person from office to achieve some relief from oppression. Voting *for* a particular candidate, the newest savior who will make life wonderful for all, is coercive voting, done with the intent that this new savior will coerce everyone into doing things his way.

Voting against ballot measures that would in some manner increase coercion on the populace seems to generally to be consistent with the principle. Ballot measures to vote against could include tax increases, bond issues, zoning constraints, business regulations, spending and budget expansions, subsidies, and others. Similarly, voting in favor of issues such as tax decreases or limitations, spending and budget limitations, and borrowing limitations are also appropriate. The general intent here is voting in favor of restrictions on the size of political government, its spending, and its authority.

There have been discussions on allowing the president line-item veto authority over the federal budget, which if implemented would allow the president to block rewards to his political enemies while allowing rewards to his allies to become law. The proper way for this to be done is for the voting populace to have line-item veto authority over the federal budget, with optional

authority to reduce the size of a line item.

67. A View of the State and Trends

All States, through their officers and elected officials, seek to continue the existence of and expand the powers of the States. Three types of States can exist: a minimal State, a typical coercive political State, and a dictatorship of some form. No major country has a minimal State. Minimal States are constructs of the imagination.

Political governments are used to control people through two means: the use of laws and regulations, and the redistribution of money. People in the governments and pressure groups have created the laws and regulations to control others according to criteria and goals of the creators of the laws and regulations. These same people have created money redistribution systems also according to their criteria and goals. Pressure groups have been very effective at creating government distributions of money to specific recipient groups from taxation on large diffuse groups, or typically the entire population, whose members are generally not aware of the specific distributions or the cost to themselves. This ability to take money, which is the property of individuals, and distribute it according to the criteria of other people is an important and pervasive control exerted over the population.²¹

68. The Minimal State

The existence of a State, including a minimalist one, implies a government with some degree of coercive powers, taxation to support the government, and a monopoly of such powers. The presence of a State, by the existence of these powers, is contrary to the Principle of Equal Freedom, which does not allow for coercion from any source. A minimalist State might control a society wherein the principle is practiced among the citizens to the maximum possible extent, but the society as a whole operates under a compromised principle. Nonetheless, a minimalist State would likely provide greater liberties and protection of properties than any State currently existing on Earth. The danger it presents to society lies in its ability to coerce taxes from people, which contravenes the principle and creates an instability that allows expansion of the power of taxation and associated growth in government. A minimalist State is unstable, always prone to divergence into a larger, more coercive State.

There are many people, including many libertarians, who believe that a minimal State is desirable and essential for the successful functioning of society. However, every State, minimal or otherwise, relies on coercion, and is therefore an enemy of liberty. Liberty cannot exist in the presence of any State.

The minimal State is a hypothetical one, one that has never been established and tested. It remains a coercive monopoly, but one that is limited by constitution and custom to exert coercion only for protection of lives and property.

There are no known means of keeping a minimal State in a minimal condition. The stability of such a State against growth and expansion of its powers is questionable, given that members

²¹ Friedman and Friedman, 1980.

of the government and of the population are certain to call for an increase of its activities under various circumstances, typically in the guise of temporary increases in authority to meet some emergency. This ruse has been employed numerous times in the growth of the federal government of the US.

Even a minimal State will strive to protect its own existence, so it seems that right at the beginning, this State must do more than protect the lives and properties of its citizens. To conduct its operations, it will have to collect taxes, which requires coercive extraction of property from its citizens, which puts it in conflict with the objective of protecting the property of its citizens. The State steals, always.

69. Essential Factors for State Governance

A State can exist only if three essential groups of people are supportive of the government. These can be described broadly as:

1. A leader and administrators committed to the use of coercive control
2. Cadres of coercive enforcers, including bureaucrats, police, and armies
3. A population that accepts coercive government.

This applies to typical political governments and to the existence of tyrannical governments. If any factor is absent, a coercive government is unlikely to exist.

A tyrannical government is not an aberration, not something totally unlike any other coercive government; it is only a more extreme version of the governments that cover the Earth.

It is unfortunately the case that a vigorous, militant minority can dominate a passive majority. This has been recognized throughout history when a few people have gained the allegiance of a militant minority that has been used to control the population. In some cases, this was practiced almost with the precision of a science.

The success of this control relies on the condition that it is rare when a majority will act with the unison necessary to negate the effectiveness of the militant minority. Many revolutions have been contests between competing militant minorities with the majority of the population only weakly involved.

70. Constitutions

The essential nature of a constitution is that it is a document delineating the powers of a coercive government—a State—a document that might also delineate the legal rights of citizens with respect to the State. But it is not a binding contract upon people.²²

The purpose of a constitution is to define the State, not the citizen and his rights. A constitution imposes a government on future generations. In principle, future generations can change the government they inherited. In practice, this ranges from the difficult to the essentially impossible because of psychological inertia and the strength of the status quo elements of

²² See Lysander Spooner's *No Treason No. 6*.

society.

Constitutions are not contracts because they are not signed by people consenting to its contents by free choice. If people sign, thus assenting to, a document delineating a set of rights, then that document is a contract among the people who have signed it—but the people signing such a document have no moral right to impose those terms on others, because that imposition is coercive.

The seeds of empire were planted in the US Constitution, and later thrived as the courts endorsed transgressing the Constitution and the people went along for the ride.

71. Current Trends

US federal budget and debt crises, climate change, energy disruptions, increasing strength of religious fundamentalism are all potential contributors to possible increasing government control of peoples' lives and businesses. The trend toward increasing government surveillance, increasing definitions of illegality, and increasing law enforcement exists in essentially every national government in Western Civilization.

Fiscal irresponsibility has been ascending to unprecedented levels, particularly in the US. A spending collapse, hyperinflation, or both are possibilities when the game comes to an end.

Increasing definitions of illegality extend the coercive reach of governments. In particular, racketeering and civil rights deprivation laws are being misused as part of a coercive police State mentality. Racketeering laws are especially dangerous because they are vaguely defined and are applied to individuals conducting private transactions, not just organized crime. The federal courts support the broad definition and use of racketeering laws.

Increasing surveillance by government is rampant in Europe and North America. Personal freedoms are threatened by overzealous use of State powers expanded by terrorist threats. Increasing aggressiveness of law enforcement and control of populations are threats to the well being of citizens. Protection of citizens is becoming less important than control of citizens. Uniformed thugs are gaining in audacity as they are increasingly held unaccountable for their excesses and outright crimes.

As fiscal problems worsen for political governments, taxation will increase and collection of taxes will become more draconian. Where taxation is not sufficient, the supplies of fiat currencies will be seriously increased, devaluing the currencies.

Decreasing self-reliance in populations coincides with their increasing desire for, or tolerance of, greater government intervention in their lives. A great danger exists from a build up of coercion under popular mandate.

Governmental distortions of markets, especially the financial and energy markets, is increasing, and will have serious consequences.

72. Compensating for State Coercion

Each individual should take responsibility for his own life and live according to high principles. He should minimize the effects of State coercion upon his life, and avoid giving support to the State through legitimizing its presence and actions.

There is little relief for people wanting to enjoy a life of liberty under a State. It is the State that determines what the individual may and may not do. Often the most effective approach available to the individual seeking liberty is to move to a different country where the State's rules are not as restrictive.

There are actions a person can take to gain a measure of relief and to protect his properties.

73. The First Steps to Personal Freedom

The essential first step for the individual, if he has not already done so, is to purge from his mind that indoctrination into acceptance of the coercion and fraud coming from State and Church. Personal freedom can be achieved only by rejecting the indoctrination.

The individual does not exist to serve society, State, or Church. None have any moral call upon the individual for his loyalty, his life, or his property. It is society, as a collection of individuals, that envelopes and protects individuals. Society exists because individuals come together for company, for commerce, for mutual protection, and a host of other reasons. Within society, individuals can rise to give protection to others in need of it, but it is given by choice if they are free people. None can demand or require protection except by contract.

Society is a bodiless aggregation of individuals—it cannot speak and cannot give orders. This does not prevent some individuals from appointing themselves as enforcers of whatever it is they think is due to society from the individual. In contrast, while society cannot speak, the State can through its agents.

The moral and philosophical justification for the State has been that the State is to protect the individual, his life, and his property. It has been perverted to be the opposite: to take from the individual, to control his life, and at times to turn him into a serf or slave to be used or sacrificed to the advantage of the State. Politicians and apologists for the State demand of the individual that he serve the State. The justification for the State, that it protect the individual, has been lost as the State is in practice an instrument of injustice.

In the developed countries on Earth the demand upon the individual is a high one. In the US, it is close to 50 percent, the amount of earnings extracted from its citizens on average. Any individual may give of himself to society or to the State whatever he wishes if done of his own free will—sometimes this is a charitable and noble giving and at other times it is folly. Any forcible extraction is theft.

74. Personal Wealth Building

Accumulation of wealth does more than perhaps any other activity to ameliorate the effects of State coercion. Wealth overcomes the heavy impact of taxation on a modest salary, which typically leaves people with little room to save. However, saving is always possible to some degree, and is usually the essential first step in wealth building.

Taxation is a great hindrance to building wealth, and many people feel a temptation to hide income, especially if derived outside of their home country. This is a particularly difficult situation for American citizens because of the far reach of US tax laws and the ability of the US government to track financial activities around the world. The penalties that can be imposed on

US citizens can be quite serious financially and can include time in prison. While hiding income from governments is a moral action under the Principle of Equal Freedom, it is often not worth the risk.

With this caveat, many people can find favorable investment and business opportunities outside of their home country that provide good returns. Again, US citizens can have a more difficult time than others because of US laws.

A variety of incorporated entities, including trusts, can be useful for building and protecting wealth. This is not a process for do-it-yourself amateurs—some professional help should be used. Care is required here, since some professionals are incompetent or will betray clients under pressure from governments. American citizens must exercise great care since the US government is one of the most abusive in the civilized world. Because of this, American managers can be bad choices for setting up corporate entities, trusts, and estates.

States place so many obstacles to wealth building that they appear to not want their citizens becoming independently wealthy, perhaps in part because the wealthy and powerful behind the State do not want competition. Mostly though, it is a result of the State wanting to grab as much money from citizens as quickly as it can.

For the typical citizen, investing his savings is the most effective method of building wealth. The State's regulations deny many forms of productive investing and limit the effectiveness of others. Taxation of capital gains is the most powerful method of limiting the accumulation of wealth through investing.

The result is a large number of people who have not been able to accumulate sufficient wealth for independence by the time they reach retirement age. They become dependent upon the State for all or a large part of their retirement income and medical care. This helps assure that they are conservative voters, anxious to maintain the status quo to keep their income secure.

The variations between countries with regard to the nature of their States and the characteristics of their populations creates some choice for people who want to move to a more benign environment for themselves or who are looking for a country in which to establish a principled community.

75. **Privacy**

Privacy is an important factor in assuring liberty and protection of property for oneself. One's life can depend upon it.

Protection of privacy can be critical to the security of life, liberty, and property in the presence of coercion and fraud. Loss of privacy in this situation could mean the loss of everything for the individual. Privacy is always violated under tyranny. In the US, Canada, and parts of Europe, overzealous protection of privacy by the individual has become criminal action under a variety of laws and regulations.

76. **Principled Communities**

Principled communities are ones wherein their members adhere to the Principle of Equal Freedom among themselves and to the greatest practical extent with others. These communities

could be spatially contiguous or exist as associations distributed throughout a larger, coercive society. They might also exist in some combination, for example, as small enclaves that are networked together within a larger, coercive society.

The communities might exist openly, known to the State and functioning by the Principle to the greatest practical extent while also adhering to the controls imposed by the State. This would likely be the case with communities established in physical, contiguous locations.

The communities might keep their existence private or at least keep their membership private. This would be an option for small enclaves and for distributed communities without a physical location. They could exist as private societies or clubs.

Land in most developed countries seems unlikely to be made available to principled communities. In the US and Canada, native communities might establish themselves as principled communities and take advantage of the special rights the States recognize for the reservations. However, both the US and Canadian governments have demonstrated that the reservation communities remain subject to strong controls by those governments.

The Internet would provide important communications links between community members and between communities. It would be a tool of commerce and organization for the community members.

Many States are likely to regard principled communities as threats to the States. Even the US government, in a great irony, might regard freedom-seeking principled communities and their members as subversives. Open principled communities are likely to thrive best where States are tolerant and would look upon the communities either as tolerable eccentrics or as valued contributors to the regional economies.

Principled communities, when detected or suspected, might be subject to investigations by the State that could include infiltrating communities with agents of the State and attempting to breach the defenses of community databases. States can also turn members and employees into informants who provide information, electronic data, and internal documents.

Successful principled communities, by setting examples and gaining attention, could influence the evolution of political governments similar to the way the successes in early America influenced the evolution of governments in Europe and South America in the 18th and 19th Centuries.

77. Principled Corporations and Associates

Businesses can operate under the Principle of Equal Freedom as corporations and other business entities. Principled companies can include banks and other financial institutions that could also operate with forms of money other than State currencies.

Business partners can be selected according to their principles as well as their business competence.

Private, principled communities can be the host sites of principled businesses. The people of those communities can support those businesses and benefit from the privacy offered by the businesses.

78. The Corporations of the State

Many friends of freedom are anti-corporation, with some justification in many cases. Numerous corporations in places such as the US are part of the political-military-industrial complex. Those corporations support the State and benefit greatly from that support. They are oppressors when they work in conjunction with the State. They strengthen the State in doing so.

Some corporations in the US readily support the federal government in surveillance and data gathering directed against citizens. These corporations can often conduct those operations with less visibility than could government agencies.

Friends of freedom would do well to publicize such activities where they become known, and avoid doing business with those corporations. Taken to another level, friends of freedom could avoid doing business with *any* company providing products and services to the State.

79. Parallel Noncoercive Governments

Parallel noncoercive governments can be constructed and used by people in part to help protect their properties and in part to help in the process of replacing coercive government.

Parallel governments can:

- Provide alternative government in the countries or regions where they are based
- Provide services in other countries that are under coercion, especially if those other countries are transitioning to freer societies
- Provide services to free societies being established in new sites.

There is always the problem that actions taken by parallel governments can be overturned by the States and even found to be illegal, potentially bringing serious penalties upon the people involved in the actions.

Membership in parallel government by clients could result in a pre-screened group of people who might prefer to associate and do business with each other. Qualifying clients and protecting their personal information from outsiders would be challenging for the organizers. Many people who would make good clients might fear the risk of being identified as a client to undesirable entities.

Free societies are highly unlikely to emerge from a country controlled by a State as a result of only educating the voting population and building their enthusiasm for freedom. Where such an effort is made and is being successful, there is a danger that the effort will collapse during the transition period, when the State is thought to be on the verge of failure. Rival coercive factions can gain political strength and reestablish a State. A State on the verge of collapse could start an external war, and regain the support of many of its citizens.

The use of parallel noncoercive governments can both demonstrate to the public that noncoercive government can be successful and provide the protection necessary to preempt coercive factions before they can establish political authority.

80. Conducting Business

Conducting business is always a challenge because of unscrupulous operators—thieves in

expensive business suits. The challenge here is to find ethical business people to work with; ones who are also principled friends of freedom are the best choices.

One should conduct his business as much as possible in the manner in which it would be done in a free society. This requires a high level of integrity and adherence to principle.

Choose jurisdictions with the least level of coercion for incorporation and operations. Build personal wealth in a manner that minimizes the ability of States to control and confiscate the wealth. This should include use of corporations and trusts in benign jurisdictions.

The use of corporations provides numerous benefits. One of the best is flexibility of the limited liability company (LLC), which has an operating structure determined by the owner(s) of the LLC.

Contracts need to be carefully done by people familiar with both the relevant legal system and the Principle of Equal Freedom. For most business people, professional assistance is necessary.

81. Protection of Properties

Threats to properties can be viewed as coming from two sources: the State and all other threats. People of principle living in a coercive society cannot protect all of their properties. Some properties, such as salary earned at a corporation and real estate, cannot be hidden from the State and therefore cannot be protected from taxation. The best they can do legally is hire a competent accountant who can provide for them the maximum protection allowed by law. People with properties that can be hidden from the State could choose to hide them, but at the risk of discovery and penalties, which might include imprisonment.

The State is not the only confiscator of properties—contemporary societies contain many people who would readily take what is not properly theirs. States generally provide only limited protection from these people and even more limited services for recovery.

People can hire private agencies to protect properties and to recover stolen properties, but in a coercive society, the actions of the agencies are limited by the State. Private agents acting on behalf of clients are not allowed by the State to protect clients' properties from the State itself. In most advanced countries, private agencies exist to protect both tangible and intellectual properties in addition to the lives of clients, subject to limitations decreed by the State.

People can also choose to associate only with others known to have integrity, which reduces the probabilities of losses. However, even with this strategy, one must be careful of confidence operators who establish a veneer of integrity for committing thefts.

The more one can immerse himself into a principled community, the greater likelihood of safety for his properties. However, it must be remembered that there is no absolute assurance of protection of properties, especially in the presence of a State.

82. Protection of Lives and Liberties

Protecting personal liberties from the State is an effort that ranges from the difficult to the essentially impossible. The activities of most people are easy to scrutinize, so the State can often catch people exercising personal liberties that are contrary to the laws of the State. It is easy for

the State to write laws and rules regarding allowed activities, then rely on enforcement agents to assure compliance.

Unlike the case with tangible and intellectual properties, there are no legal private agencies that can protect a person's liberty, for the reason that it is the State itself that takes away liberty. Nearly every attempt to thwart a State's control of activities is deemed a crime against the State.

When a State is present, the only way to make a living through activities defined as illegal by the State is to live within some kind of underground economy, but always with the possibility of being discovered and suffering serious consequences.

The only way to protect liberties and to live openly enjoying those liberties is to remove the State.

Much has been made in recent years about protection of personal information to keep that information away from marketing companies and petty criminals. This has become an important issue with many citizens of the US. The federal government has been creating laws to limit access by non-governmental organizations, and politicians have made certain that the public knows they have been supporting these laws. Meanwhile, the federal government itself has broadened its ability to obtain personal information and to monitor nearly all forms of communications within the US and globally.

By federal law, a US citizen cannot have a substantial money account anywhere on Earth unless the existence of that account and information about the owner is given to the federal government. The citizens who are concerned about marketing companies gaining access to their personal information seem to have no reservations about the federal government having even greater access to even more personal information.

Removal of the means to resist is an important part of population control. This was recognized by the drafters of the constitution, who believed in the right of people to defend themselves and to remove their government, by force if necessary, if it becomes corrupt or refuses to leave if voted out of office.

83. Societal Attitudes

People tend to be supportive of their State except under extreme abuse or incompetence, probably in large part because they do not separate the concepts of country and government very well unless driven to substantial dislike of the government.

In many countries in the contemporary world, people wanting to establish principled communities or live under the Principle in some other manner are likely to be regarded as eccentrics or worse. One could expect as a matter of course that nearly every State would not want to have in their domain independent principled communities, people contributing to the underground economy, or people agitating for major reductions in the powers of the State. Some substantial fraction of the population is likely to share the sentiments of the State. The ratio of support to opposition in the population could be an important factor in the probability of success of a libertarian movement.

Where a population is sympathetic to the Principle to some substantial degree, the State might be more tolerant of people who are living in close approximation to the Principle. In this case, the establishment of a successful principled community might aid conversion of the

government to a more libertarian model.

Governments can change rapidly and substantially under popular demand. The result might not be all that the population wants. Once a replacement government is in power or substantial reforms have been implemented in an existing government, ossification is likely to quickly settle in as politicians establish their positions and generally resist further changes that might diminish their powers. If radical changes are being made in government, use of an interim government might be a satisfactory approach, one that might delay the inevitable ossification that happens once a State has been organized.

The freedom-loving person, that is, one who seeks true freedom, not one of the freedom-shouting apologists for State coercion, should attempt to educate others to freedom, but recognizing that many people simply cannot be educated.

People have been presented with numerous false choices that many cannot recognize or think their way around. One of these is the one-dimensional linear choice of left socialist-center moderate-right nationalist, which seems to span much of the contemporary world. This one-dimensional view of the world assumes that everyone is a supporter of the State in some flavor or other.

84. Personal Rating

In contemporary societies controlled by States, the States can determine the content and nature of personal rating databases. Some States also expose rating systems operators to unwarranted liabilities from lawsuits and legal prosecutions. Moral and ethical standards derived from the Principle of Equal Freedom are not determinants of the content and nature of the rating systems as far as the laws and rules of the States are concerned.

Personal rating systems in State-controlled societies can be just as important to personal transactions as in free societies. The development and successful operations of personal rating systems under standards compatible with the Principle could be of great value to people wanting to live in accordance with the Principle. Such systems could also help in the transition of societies toward reduced control by the State.

To minimize unfairness to individuals and limit exposure to liabilities, personal rating systems used by followers of the principle in State-controlled societies should probably be limited to consenting members only, except for moral criminals, coercive individuals, and public figures such as politicians.

85. Education

A complete education includes teaching children skeptical and analytical thinking, which are ultimately more important for them than absorbing facts.

People who have been immersed in the propaganda of State and Church throughout their youthful education are, in a large part, lost to truth and freedom unless they have been exposed to concepts such as the Principle of Equal Freedom and taught the value of skepticism.

Home education of children can help them avoid indoctrination by State and Church. Where children cannot be kept out of government-controlled schools, some supplementary education

could be done through partial home schooling, summer camps, part-time academies that teach appropriate philosophies, and numerous other possibilities.

Education of adults to show them the truth of State and Church propaganda has been effective with a modest number of adults. It is difficult to reach people who do not want to be educated. Unfortunately, many of those are ones who vote in support of continuing coercive government. However, educational efforts do help some people break free of being statist, and allows them to improve their lives while also broadening the educational efforts.

PART 2

THE INDIVIDUAL IN EQUAL FREEDOM

Chapter 5

Rights and Properties

Much has been written about the rights that should be held by people. A multitude of arguments and expositions have been made about what rights a person might properly claim for himself. The set of rights is typically believed to depend upon the source of the rights. Arguments have been presented that the rights of people can be derived from:

- Natural sources
- Divine sources
- Expediency or efficiency
- Morality
- Logic
- The will of the majority
- The common good
- A constitution.

The rights discussed herein are based on the Principle of Equal Freedom—they are consistent with the principle. If people live in a society under the principle, then these rights should follow—they are implied rights. Explicit rights come from contracts. Since the principle is not a contract, it does not explicitly grant rights itself.

What is stated regarding the rights of individuals generally applies to incorporated entities as well. Incorporated entities are groups of people in defined associations. People neither gain nor lose rights by being in a group.

People can be observed in everyday life proclaiming they have some right or other, which when analyzed is seen to be based upon nothing more than the desire of the person to gain something for himself. He gives no more real thought to the matter than a toad does to its seizing a bug.

What the rights and properties are that belong to a person is still a major issue in contemporary society, complicated by much cognitive dissonance on the subject. Americans, for example, supposedly are strong believers in the ownership of property, yet they support their various governments that take or control their property, make them tax-paying serfs, and at times make them slaves serving in military organizations.

Accepting the Principle of Equal Freedom means allowing others to live their lives as they choose, which means all people must have full control and use of all of their properties. Adherence to this principle implies that each person has a right to his own properties. The right to one's properties is his right to his own life, his liberty, and his estate properties.

86. Rights of Individuals

The implied rights derived from principle could be identified and published within a free society to serve as guides to the functioning of the society. Where contracts are used, explicit rights should be carefully described to assure uncontentious completion of the contracts. Where societies are under coercive controls, the citizens could strive to acquire and protect constitutional rights to avoid unrestrained application of coercion.

The individual, of course, is entitled to protect his own properties (life, liberty, and estate), and society should recognize and approve of his providing similar protection to people around him.

No individual is entitled to deny rights to others in seeking to secure rights for himself.

Historically, two kinds of rights of people are recognized within society: natural rights that are claimed due to people regardless of the form of their government and legal rights that are granted by government charter or by fiat.

Arguments in favor of fiat rights all too often result in a reduction of rights. Fiat rights are acts of law, and acts of law tend to diminish personal freedom and rights over time. All too often, people mix the concepts when lobbying for some advantage for their group, presenting their favorite "right" as something that they are naturally entitled to, but which needs government fiat to implement. When this is done successfully, freedom is diminished because another fiat law exists.

There is the concept of civil rights, which has a fuzzy definition and comes charged with strong emotional connotations. Where the concept means the rights people have to live in society, they are a mix of natural and legal rights. Certainly people should not be subjected to violence and other forms of coercion from other people in a society. They should not even be subjected to coercion by their government. The latter, alas, is universal on this planet. In the end, though, it appears that all nonnatural rights are civil rights because all rights pertain to how a person may live his life within a society. If he fully and successfully lives as a hermit, a man needs no civil rights.

The question of what rights a person has in civilized society is one that has been argued and fought over for thousands of years. However, there has been a long-term trend toward greater legal (granted) rights that have come slowly and expensively, with many counter trends along the way.

Life appears to be a universal struggle, and probably especially so for sapient beings in

immature civilizations. Humans throughout recorded history have wanted and needed personal freedom to improve their well-being or even to insure their survival. We usually recognize the taking of human life as an immoral act, but so is the denying of the means of survival or well-being. In a civilized society, a person's intellectual and tangible properties are important to his survival and well-being.

In the context of civilization, morality can be applied to the determination of individual rights. In nature, animals are free to act, but they are also subject to attack. In the presence of moral constraints, individuals are free to act without being subject to attack.

A person who is not fully self-responsible nonetheless holds rights under the principle. A minor in particular has rights to life, liberty, and other properties, but these can be abridged with justification by the people responsible for the minor. Neither does a minor gain rights over the responsible people, except for some entitlements for care that are part of the responsibilities taken up by the care givers. A minor has a right to necessities of life from the parents. A minor also has a right to leave the parents by assuming responsibility for self or where arrangement has been made to live with other adults who have agreed to be responsible for the minor. Such decisions by the minor hold where the minor has a mental capacity to make such decisions.

87. Rights by Principle

In a society based on the Principle of Equal Freedom, one fundamental right prevails: a person has the right to live his life as he wishes while respecting that same right for all others. The rights that are derived from the principle and its corollaries could be called *rights by principle*.

A right as discussed here is something that an individual can properly claim as his in a free society—it is a right by principle. While a principle can be a basis for a contract, no principle of society is of itself a contract. Therefore, rights by principle are derived or implied rights.

Freedom is the state of people having ownership and control of their lives, liberties, and all other properties. That right of ownership and control is inherent in the existence of freedom. Freedom is a condition to be taken and defended by people because that is what they want. No justification of freedom and its implied rights is necessary beyond people simply wanting to be free.

88. Contractual Rights

A contractual right is a right to some benefit, action, or property as a result of a contract. The rights are between the parties to the contract, and derive from the contract itself. External parties do not define those rights, except in cases such as by adjudication to settle disputes about the contract.

Most contractual rights should be carefully, explicitly defined in their contracts. The strongest contractual rights are those that are explicitly defined. However, no complex logical construct, including contracts, can be entirely complete and self-consistent with certainty. As a result, even carefully crafted contracts can have rights that must be determined by implication or by the intent of the signing parties. These are subjects for negotiations or adjudications.

89. Natural Rights

The subjects of natural law and natural rights has been considered by many social philosophers, with differing concepts. A natural right could be one that derives from, or is analogous to, the freedom of actions in nature. It could be some concept that has become nearly universal in acceptance in societies across the world and across time.

Nature operates in the realms of physics and biology. The physical realm is amoral, consisting of matter, energy, and inanimate action, unconcerned with life. Freedom of action exists for inanimate things, subject to natural laws, such as those concerning gravity and conservation of mass, momentum, and energy. Volition is absent in the realm of physics; there are no laws of society to be found in physics. The realm of physics provides no guidance for moral concepts.

In the natural environment of the biological realm, individuals (organisms) have a general freedom of action, except when set upon in attacks by predators and parasites. The biological realm is amoral, and basically anything goes. Organisms can sustain their metabolism by taking in food from the environment, by creating it internally (as in photosynthesis), or by having other life forms for a meal. In recognizing this natural freedom, we could say that an organism has a right to enjoy and protect its existence, to pursue its self-interests, and to do anything to its neighbor that it can get away with.

Nature does not appear to offer any morality or natural rights from the realms of physics and biology that are applicable to society and civilization. Whatever natural rights we might think exist necessarily come from the realms of psychology and sociology.

We have internal drives to seek survival, comfort, and happiness. We want freedom of action and security of possessions as part of satisfying these goals. Most people recognize and respect these same goals in the people around them with whom they have emotional ties.

In our societies, others exist with whom we have no emotional ties, but we recognize them as members of our groups. Extending respect for their drives is relatively easy. In other societies making up our civilization, the people are more remote. Extending respect is more difficult because of their remoteness, although we generally acknowledge that we should extend respect. This acknowledgment is perhaps the closest thing we have to a universal sense of fairness. It is what Spooner arrived at with his concept of natural law and natural rights (discussed in Chapter 1).

In the psychological realm, we want our own freedom of action, but there are no agents there to grant that freedom. It is only in the social realm that rights exist, because rights define the boundaries between our own actions and those of others, whether individuals, groups, or organizations.

Proponents of freedom largely agree that natural rights exist, that within societies individuals have rights that are inalienable, that are ours to enjoy irrespective of the kinds of government we live under. Sometimes these supposedly natural rights are explicitly included in the constitutions or laws of governments so that they are protected.

Some people argue that natural rights do not exist—there are only those rights that are granted by government. Their premise is that the State comes first, then people.

Throughout human societies, though, there is general agreement that people do have basic

rights regarding their existence. While there is no universally agreed to set of rights, many people have attempted to define such sets. Courts of law, especially international courts, often work under the assumption of basic human rights existing whether or not they are written into constitutions or statements of universal human rights.

The most fundamental natural right is the right to exist and enjoy those things that are part of living: continuing one's existence, securing food and shelter, and finding one's own path through life. The terms of life, liberty, ownership of property, and the pursuit of happiness are often taken as the best expression of these basic human rights.

I find the concept of natural rights suspect and unjustifiable since *natural* refers to nature and nature does not hand us a Bill of Rights. Rights are sociological, generated by intelligent people living in societies. It can be useful to define natural rights as being ones that are determined by a near universal sense of fairness among all people, even though this is not a reliable or precise approach. I prefer to think of people accepting a principle upon which to base their society, then deriving rights from that principle, as the best approach.

90. Legal Rights

Legal rights are those rights granted by a constitution or governing body, which are to be watched over carefully. These rights are more precious than gold or diamonds in coercive societies. They are not to be squandered and dissipated as Americans have allowed their rights to be—rights that were paid for in blood and sacrifice, then given up by expediency and neglect.

These can be called *fiat rights* since they exist only by fiat. What is given on one day can be taken away on another.

Legal rights do not exist in a free society.

91. Moral and Divine Rights

The concept of moral rights is used here in a religious sense, not as defined in Chapter 1. The nature of these rights varies among religions. Unfortunately, these defined rights are commonly those of the religious leaders and institutions to control the lives and properties of people.

Throughout human history, religious societies have offered very little in the way of rights of people, but a great deal in the way of duties and obligations to the religious institutions.

When people claim that God intended for people to have certain rights, especially divinely intended legal rights, no proof can be offered that such is the case. It is a matter of the personal beliefs of people making the assertions.

Given the usually highly adverse consequences upon human rights of mixing religious beliefs with governmental systems, it is best to keep religious beliefs well away from coercive government—and to keep Churches from defining rights in societies.

92. Boundaries of Individual Domain

In exploring concepts of State and freedom, the boundary between individual and society was the subject of much debate. Some specific concepts were lacking in the debates, concepts that were

beyond their thinking and experience in those times. The concept of a private, non-coercive government, the concept of a universally accessible credit and rating system, and the concept of not even having a State typically were not considered.

In living under the Principle of Equal Freedom, the primary issue is the boundary between individual and individual. Solve that and the question of boundary between individual and society is answered. In a society of freedom, there is no boundary between individual and State to debate since there is no State.

One clear criteria in exploring boundaries is life, another is property, and another is contract.

93. **The Nature and Protection of Properties**

Being repetitious here, a person's properties consist of life, liberty, and estate, which include body, health, intellectual properties, tangible properties, and contractual entitlements. Corporate entities, whether formally incorporated or not, can have the same properties or equivalents. John Locke held that the protection of these properties is the only proper role of government. He wrote in 1689 that a person has the right "to preserve his property, that is, his life, liberty and estate."²³ All of these properties can be protected and defended from all threats.

Life and liberty are properties of the individual, for they clearly belong to him, but they are innate kinds that generally are not transferrable or assignable. Those properties other than one's life and liberty can be called his estate.

A person's estate properties consist of tangible and intangible property. These are his own, to hold and use as he wishes, subject to whatever contracts he enters into regarding the properties. Ownership is transferred only by contract, whether spoken, written, or other means. Holding of a property by another does not of itself transfer ownership.

Damage done to any kind of property, including life and liberty, can be cause for restitution.

The following sections cover the issues of property in more detail.

94. **Life Is Property**

The quantity *life* is a broad concept. It includes a person's biological existence, body, health and well being, name and social identity, reputation, and any other innate and inalienable rights that society says he has. In a free and just society, the rights include enjoyment of freedom, justice, and peace and the holding and exercising of life, liberty, and estate ownership.

A person's body belongs only to himself, to be fully controlled only by himself. He might assign stewardship to another for special reasons, but that should be revokable when the person is competent in his mental faculties.

This includes each competent, self-responsible individual having a right to decide what may or may not be done with his body, while living or afterward, including preservation of body, donation or even sale of body parts, or refusal to allow an autopsy.

An issue arises as to what extent a person can sell or otherwise dispose of his properties, including life and liberty.

²³ *Second Treatise of Civil Government*, § 87.

Life, including body, is not subject to contract except in rare cases such as selling a kidney or acting as a surrogate mother. I think a person cannot enter into a valid contract for the termination of his life except to end terminal suffering or under some other extreme condition. This means a person generally cannot sell his body in an ethically valid contract for total harvesting while he is still using his body. As for the life that dwells in a functional body or the pattern of actions that constitute living a life, they are not usually amenable to contract for sale, trade, or assignment—but this is not necessarily absolute.

In a free society, a person could sell his body for total organ harvesting, for the right to murder him, even for cannibalism. Of course, family, friends, and others could morally and ethically treat the slaveholder/killer to extreme social ostracism. Other forms of intervention could be permissible, as under an assumption that the subject person is no longer mentally competent.

95. Liberty is Property

Liberty is being able to exercise volitional self-direction of one's own life. It is an innate right—thus a property—of every self-responsible person under the Principle of Equal Freedom.²⁴ Liberty is not subject to contract by the owner except in some exceptional cases. Becoming an indentured worker is not slavery if the subject person can opt out, paying off any associated debt by other means. No indentured worker can be required to suffer abuse of life or liberty since that becomes *de facto* involuntary slavery.

A person's actions are amenable to contract. Nearly every contract allows a person to take some action or prohibits some action with respect to another party of the contract. Since valid contracts are entered into with knowledgeable and voluntary action, without coercion or fraud, such obligations to act or not act are not impingements upon a person's fundamental liberty.

Since there is a sale for exchange of property in entering voluntary slavery, there is *ipso facto* a contract, which ideally would delineate residual rights for the slave such as terms of treatment, right to own property, and right to repurchase himself from the slaveholder. Factors such as resale, sexual use, organ harvesting, and deliberate death of the slave should be addressed. The contract would be valid only if voluntarily done by a mentally-competent adult. To protect himself, the slaveholder would be wise to have a professionally-prepared written contract. Involuntary slavery is, of course, a criminal situation.

96. No Person Is Natural Property of Another

No one owns another person—not a spouse, not a child, nor any other, except under some special contract as mentioned above. Under this principle, there is no moral or ethical construct that allows one person to own another outside of a voluntary contract among knowledgeable adults. A person is his own property in life and liberty, without limit by age or any other measure. In a general marriage contract, neither spouse owns the other. If a person should voluntarily sell himself into slavery for whatever reason he might have, his mind is always his own.

²⁴ Liberty is also a property under the concept of natural rights.

A person who by age or other factor is not self responsible may be the responsibility of another, as a child is the responsibility of his parents, but being responsible for someone is not to be confused with ownership of that person. Parents do not own their children. People responsible for another do not own their ward. No ward, including children of their birth parents, may be subjected to abuse or neglect that is harmful to the ward. Since any person may protect another under the principle, any person can intervene to protect a ward, including permanent removal, when the case of abuse or neglect is provable. A mentally competent child asking to be removed from his parents for cause should usually be sufficient grounds for removal. A person removing a ward would become the person primarily responsible for the ward. As a specific example, an adult removing a child from an abusive home becomes responsible for that child until some other person or agency accepts primary responsibility.

Since the property of a person cannot morally be controlled by another (except by contract), no person can morally or ethically be controlled by another through either coercion or fraud. Control can be exerted only through contract or, in a limited way, through being responsible for a person who is not self-responsible.

This applies on any scale: no person, no group, no State, and no other organization can own a person outside of voluntary contract.

Self ownership means that a person, and normally only that person, exerts control over himself, and moreover that person is responsible for his own self, his actions, and the consequences of his actions.

97. **Estate (General) Properties**

Estate properties are the totality of tangible and intangible properties and contractual entitlements of the individual—every property except life and liberty. Estate properties can be the subjects of contracts for their exchange or other use.

Estate properties can be owned by a person or by a corporate entity, with the corporate entity having essentially the same rights of ownership as a person. Also, a person has essentially the same rights of ownership as a corporate entity. In this vein, just as a corporation can extend beyond the life of its founder, with undisturbed rights of ownership, so the ownership rights of a person can extend beyond that person's life. This would typically be done in the form of a perpetual estate, just as a corporate entity can have a perpetual existence. Thus an estate property can be in the perpetual ownership of a person (by means of his estate) or by a corporate entity.

Under the Principle of Equal Freedom, every person and company can own and use estate properties without interference while respecting the equal freedom of others to do the same. Owners have the right to defend those properties.

Essentially every person accumulates some estate properties during his life. Those properties are his to use, save, or dispose of by his own choice. Ownership is generally lost only in cases of abandonment or extended neglect. The latter is important in cases of ownership of animals such as pets and livestock.

No interpretation of the principle should conclude that a human or animal should suffer abuse or harmful neglect by the responsible person.

The denial of use of property by inadvertent action could result in compensation being due,

while denial of use by coercion, fraud, or other deliberate interference are criminal acts where compensation and penalty payments are due.

98. Perpetual Accounts

Accounts at banks and other institutions can readily continue beyond the life of the owner. These perpetual accounts can be an important component of estate planning.

The accounts could be established as easily as checking a box on an account application, or telling a bank officer to change the option on one's account. The owner could specify to the bank whether or not a separate will can override a specification that an account is perpetual in favor of the original owner.

Upon learning of the death of a client or his more or less permanent incapacitation, the bank would change the status of the account to one that is managed by the bank, per instructions by the owner. If the owner should later be revived, the account would revert to his control.

The bank will use the funds for investments and loans, thus circulating the funds in the society. These accounts, representing accumulated savings that will circulate in society, will benefit society through business investments and loans, thereby building wealth and creating employment opportunities for people.

99. Perpetual Estates

The estate of a person should continue in a perpetual manner if he so desires and he can find a person or organization to manage it. Individuals can use perpetual accounts for part or all of their estate. This allows individuals to exert continuing control on the use of their property.

Ownership of property is not lost simply because of absence or death. In the event of death, ownership generally continues in the owner's estate, unless it is bequeathed to others. In the event of death without provision for an estate and without property being bequeathed to others, then it may be decided after careful consideration of the circumstances that the property has in effect been abandoned. Perpetual estates can continue on for people after death brings an end to life and liberty. Nothing in the Principle of Equal Freedom requires dissolution of a person's estate upon his death. On the contrary, the principle, lacking confiscatory mechanisms and respecting the wishes of people, allows estates to continue in perpetuity.²⁵

A good estate contract designer will include terms for contingencies, including possible eventual dissolution of the estate. Arbitrators can settle contingency issues. Natural and man-made catastrophes, along with entropy, can be the final arbitrators.

Death is the greatest injustice of all injustices to which a person can be subjected. When a person is unfortunate enough to die, another great injustice is delivered when vultures from State and family descend in a feeding frenzy to dismember and gorge upon what the person managed to create during his life. The destruction of an estate, taking advantage of the unfortunate demise of a person, is a barbaric relic of avarice.

²⁵ Perpetual is not to be confused with eternal. No one can legitimately guarantee the eternal existence of anything.

Perpetual estates are repositories for payments of royalties that are paid to a person after his life. The estate managers should use the assets of the estate to increase the value of the estate and to otherwise employ the funds in a manner consistent with instructions from the founder or as the subject likely would have wanted those funds to be used. An estate can thus be a source of capital for development of enterprises, for scholarships, for support of research, and for a multitude of other applications beneficial to individuals and society.

There will undoubtedly be numerous ways in which perpetual estates can be established in a free society. Even in the presence of the State, there are methods of establishing perpetual trusts, but this should be done with competent legal assistance.

100. **Tangible Properties**

Tangible properties occupy space and have mass. While they can potentially be touched, that is not always the case. They can be manufactured or natural. Ownership is established by contractual transfer, creating the property, or claiming the property if it is currently unclaimed.

Transfers can be made under contracts and by liens, which are forms of contracts. There are two kinds of liens: nominal ownership by buyer, subject to forfeiture and transfer of title in the event of default, and ownership by the financier on behalf of the buyer, for use by the buyer during the payment period, with transfer of title to buyer upon settlement of the debt.

A registered title for a property protects the owner and could optionally include title insurance from the registrar or other insurer. A financier could by contract require the owner to register the title and maintain title and other insurance for the protection of the financier.

101. **Land as Property**

The use of land is intimately tied to the survival of all creatures, and has been a contentious subject throughout civilization. John Locke²⁶ called Earth the common property of all men; he went on to write that land can be taken from a state of nature, and as much land as a person improves and makes use of, so much is his property. Even though he called Earth the common property of all men, he did not state that rents should be paid for the land.

Another concept that has been put forth is that land is not properly owned—only the use of the land and its resources can be owned. Intergovernmental treaties were established calling celestial bodies the common heritage of all mankind.²⁷ The meaning, validity, and acceptance of these concepts remains debated. Many lands are under control or claimed ownership by States. This control or claim of ownership is done under coercion, which is a violation of the Principle of Equal Freedom. People living under the principle do not have a requirement from the

²⁶ *Two Treatises of Government*.

²⁷ The Outer Space Treaty of 1967: *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, and the Moon Treaty of 1979: *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies*.

principle to recognize those coercive claims.

The concept of common heritage is an assertion of opinion. The assertion cannot be derived from anything in nature or any system of science. It might be a fiat law; it might be a convention followed by members of society, but it is not a natural law.

Herbert Spencer held that property could not be owned, only rented from all people (the community)—a concept now rejected as both unworkable and unjust. Locke did not propose that a person taking land out of a state of nature owes payment to anyone else for that land.

The Principle of Equal Freedom does not require, or allow demand of, rents, royalties, or any other forms of payments to any other people by a person taking unclaimed land or resources from land in a state of nature.

The common heritage of celestial bodies is also a vague concept, not found in the principle. In the existing treaties, terrestrial governments agree to not claim land beyond Earth, but the treaties do not prevent States from controlling and using such land. Some say that the treaties will allow private parties to claim land beyond Earth, and some say that people using land beyond Earth owe rent and fees to those on Earth. A United Nations conference concluded that "the use of space should be for the equal benefit of all mankind."²⁸ It appears beyond all doubt that settlers going into space, risking their lives and fortunes, will not be inclined to pay rent or other fees to those remaining on Earth and doing nothing to help the settlers. Further, since the people making use of Earth are certain to not pay those distant settlers for the use being made of Earth, the settlers are certain to hold that any such claims of rent or fees due for use of celestial bodies are not valid concepts. While it seems likely that nothing will come of these claims, there does remain a possibility of contention and conflict.

While substantial tracts of land on Earth remain in a natural state without improvements, all is claimed and controlled by the States of Earth. What people could make use of is denied them by the States.

Land claims and land grants by States are not recognized by proponents of equal freedom. When Christopher Columbus stepped onto occupied land in the New World and claimed it for Spain and its king, it had serious consequences for many people over the following centuries. When Vasco de Balboa stepped into the Pacific Ocean and claimed all of the ocean and all of the lands adjoining it for Spain and the king, nothing came of it. It all amounts to the extent of coercive violence the States are willing to employ to enforce their claims. These kinds of claims are matters of the size of armies, not matters of principle. Land grants based on such claims are invalid under the Principle of Equal Freedom.

Proponents of equal freedom generally take the position of Locke, that unclaimed land in a state of nature comes to belong to people arriving upon that land, improving it, and making use of it.

An owner can decide upon usage limitations for his property. When he sells, he can pass on these limitations through the purchase contract, which pass on to any subsequent buyers. The use of such covenants is an effective, non-coercive method of placing limitations or requirements upon the use of property that are fully consistent with the principle and the second corollary.

A property owner can, by contract, give an agent management control over the owner's

²⁸ The Unispace 82 conference, 1982, Vienna.

property. This does not conflict with the second corollary since this is voluntarily done by the owner, and he can resume control of his property whenever he wishes or according to the terms of the contract.

102. **Land: Initial Claims**

Valid claims of unclaimed land and resources require, by principle and logic, certain actions on the part of the claimant:

1. Physical contact with intent to establish claim, by the claimant or by his agent
2. Marking the claim with an enduring device
3. Making public notice in a timely manner, generally by registration with a recognized registrar
4. Defining the claim as to location, dimensions, boundaries, owner, nature of claim, and (optionally) intended use.

Marking a claim might be done with multiple devices that establish the boundaries, or with a single device with location of boundaries defined with the registrar or upon the marker. Use of a registrar is not a strict necessity, especially if the claimant or agents are actively making use of the claim, but the registrar strengthens the claim and constitutes public notice of the claim. The registrar might also provide guarantee of the title, insuring the registered claimant against loss of the claim.

Defining the nature of the claim and intended use can help strengthen the claim. For example, improvements to land strengthen a claim, but stating that a claim is for land and all of its resources for protection as a natural reserve should give to the claim the same strength as actual improvements would have done.

Touching land of itself does not constitute a claim. Simply walking across unclaimed land without intent to claim, leaving no markers, and then years later claiming ownership does not have to be regarded as a valid claim by others.

Claims made without physical contact are not valid. Claims for land and resources beyond what a person could improve and make use of are not considered valid.

If a privately acting person²⁹ were to be the first to land on Mars, he could not make a valid claim to the entire planet, because that is clearly beyond his means to develop and use, but he could make a valid claim to a part of Mars that he could, or could reasonably be expected to, make use of, provided he landed on and marked that part. Under this same criteria, a privately acting person might claim with validity all of a small asteroid or some reasonable part of a large asteroid where he made landing, marked the site, and made public announcement.

Once a valid claim has been made, the land remains the property of the original claimant, his estate, his heirs, or his assigns, unless it becomes clearly and unequivocally abandoned.

103. **Land and Resource Properties**

²⁹ Which excludes a person employed by or representing a State.

The principle obviously does not immediately define the extent of valid claims to land and resources. The principle allows an owner to claim and use a property as he wishes, free of interference while not interfering with the properties of others. What gets implemented as a set of customs in a society might vary between regions while remaining consistent with the principle. Common law, common sense, and principle should be adequate for any free society, with arbitration used to settle conflicts that cannot be settled through negotiation by the involved parties.

Several issues arise with respect to a property, including what resources are claimed, how deep the claim extends, how high the airspace entitlement extends, the entitlement to naturally flowing fluids and drainage, and the impingement of hazards, contaminants, and nuisances.

A reasonable and common sense approach is that when previously unclaimed land is claimed, a valid claim would extend over what the claimant is using or can reasonably be expected to use with his financial resources and abilities. In the case of a land claim for preservation of a natural area, a recognizable claim would be for an area the claimant could mark off and reasonably be expected to manage competently with his financial resources and abilities.

A valid land claim could be either dry or wet, that is, a claim upon dry land, tidal land, or sea floor. It could be for part of an ocean that is within a net or pen used for catching or raising fish, whether it is fixed in place or movable. It could be for land on some body beyond Earth.

Resources such as beds of minerals, coal, and oil lying well beneath claimed surface land that are beyond the reasonable reach of the land owner, and especially if unknown to him, seems fairly to belong to the discoverer of those resources provided he has or acquires the means to develop the resources. If that development interferes with the surface claim, then the development should cease and some compensation might be due to the owner of the surface land—however, the most likely resolution would be an agreement on how to proceed. Common law and common sense allow the owner of a surface claim to access water that resides beneath his land.

Lakes and rivers can be owned in their entirety by a single owner, in separate parts by multiple owners, or jointly by several owners. Where an unclaimed part of a river, or lesser flow, crosses over claimed land, that section would be owned by the land owner. Where there are multiple owners of various parts of something like a river, they could submit disputes to arbitration, but their best approach would be to jointly work out an overall agreement on its use, including under exceptional conditions. Owners of lands situated next to a large unclaimed lake could reasonably claim jurisdiction over the part of the lake that is against their property.

Artificial canals certainly belong to the developer, who presumably acquired rights or permissions to enable the building of the canal.

Open ocean by common law cannot be owned nor passage restricted, which is a very reasonable situation. A ship traversing open ocean can make use of the ocean lying in its course and that immediately around the ship. Where an aqua-culture pen is created in open ocean, that part within the pen boundaries and immediately adjacent water can be reserved by the operator since he is making use of otherwise unused ocean, but blocking a passage with a pen is not defensible.

Airspace and open space beyond a planet can be used for navigation or other purposes similar to the case with open ocean.

A land owner has a general right to be clear of hazards, contaminants, and nuisances created by other owners or operators. An existing owner cannot be placed at substantial risk by a new owner or operation in the vicinity. However, a new owner moving in next to an existing hazardous or noisy operation has no right to restrict, or claim damages from, the owner of the land with the existing operation—that would interfere with the existing operation. (However, the owner of the existing operations might recognize that by improving the situation, more people might move into the neighborhood, thereby increasing his property value.)

A land owner has rights to moving fluids, such as uncontaminated air flows and natural water flows, and drainage from his land. Interference with natural fluid flows should generally be considered to be an interference with natural land usage.

Land claims will be a serious issue in space. There is no obvious reason why terrestrial laws and conventions should apply beyond Earth except as a matter of convenience or coercive control. People going into space to make land claims might want to do so under something like terrestrial Laws of the Sea, others will want new laws, rules, or guidelines based on new principles rather than coercive law that is ubiquitous on Earth. Probably no one going into space to live will want to see a repeat of the land grabs of the New World that were imposed by Old World and local New World governments (unless they are a beneficiary of the coercive largesse). Such land grabs are contrary to the Principle of Equal Freedom when they interfere with people using the land.

States are not persons or corporate entities with the same responsibilities as persons, and there is no obligation under the principle for persons or corporate entities to recognize claims of control or ownership made by States. In the same vein, persons or corporate entities claiming or otherwise using land or other resources beyond Earth are under no obligation to comply with States' decrees that the owners are to relinquish their claims or uses of those lands or resources.

104. **Estate Properties Other Than Land**

A general principle for recognizing a valid claim of ownership is that for large natural expanses of tangibles, a person can make a valid claim for that part he makes use of, or can reasonably be expected to make use of, subject to the criteria given earlier. This applies to any large open expanse, including land, ocean, air, and outer space. More generally, this could be expanses of that which could be solid, liquid, gas, or vacuum. For air, this could be the air immediately around a home or factory, or air that has been collected in a bottle. For outer space, this could be the volume immediately around a facility owned by a person or corporate entity.

Expanses beyond that which is a valid claim remains an unclaimed or unclaimable expanse, which can be temporarily used by anyone. Narrow openings between large expanses, such as an opening between ocean and bay, have been held under common law to be subject to rights of free passage to all who would make use of the narrow, even though it might be part of a claim generally recognized as valid. An artificial canal, though, does not include rights of free passage for all since it was constructed by a claimant.

Any manufactured tangible is the property of the manufacturer. It may be retained or disposed of as he chooses.

105. Intangible Properties

Intangible properties are those that have no spatial dimension or mass. Intangibles belong to their creator, to be used or disposed of as chosen by the creator. They can be transferred to other persons with all or some rights attached.

Contractual entitlements are a form of intangible property that may be used, saved, transferred, or disposed of as the contract owner chooses, subject to the terms of the contract. This includes things like ownership shares in corporations and options contracts. A certificate of such ownership certifies that a person owns the respective share of the corporation. The tangible certificate itself is not that corporate property. This becomes even more evident with the growing use of so-called electronic shares, where no certificate exists.

106. Intellectual Properties

Intellectual properties are intangible mental constructs. These are the most important of all properties because civilization depends on and advances by the use of those creations. Further, as with tangible properties, the creators might earn their living by their creations.

Herbert Spencer and Lysander Spooner addressed intellectual property ownership and use in the mid 1800s. While they did not explicitly invoke the Principle of Equal Freedom in their exposition, their conclusions are consistent with the principle. A person's intellectual property is his own, to employ in a manner of his own choosing.

In a free society, intellectual property can be protected by noncoercive patents and copyrights. These would protect the creator from theft and other inappropriate use of his property, but would not prevent others from making essentially the same creations in an independent manner, and then using their intellectual property as they see fit.

Herbert Spencer was adamant that no person should be denied the use of his own intellectual creations, denials that are at the heart of the State's coercive patent laws (just try being the second person in line to get your idea patented).

Moral law permits a man who has by his intellectual labor obtained such new knowledge to keep it for his own exclusive use, or claim it as his private property. Each is free to acquire the same facts—to elaborate from them, if he can, the same new ideas—and in a similar manner employ those new ideas for his private advantage.

The other side of contemporary patent laws is that after a period of time fixed by the State, it becomes legal for any and all to then steal and use the creation or invention without compensation for the inventor. Patents are also limited to single nations, which leaves them incomplete.

The Principle of Equal Freedom does not allow or require ignoring intellectual or other forms of intangible property. The Second Corollary states that a morally-acting adult person should have full, unbridged control over his own life and over all of his properties of every type. To live his life as he wishes, a person is to have full ownership and control of his properties of every kind. Interference with his properties impacts his life, and this no one has a right to do.

Scientists, inventors, writers, and artists could all make their livings from their intellectual properties. Their estates could continue to grow as a result of continuing royalties.

Some people who think of themselves as libertarians think patents and copyrights should be rejected or ignored because States recognize and protect, to some extent, those intellectual properties. However, States also recognize and protect, to some extent, tangible properties. If one is rejected on this basis, the other must be rejected by the same logic.

The respect of property is a matter of principle, not State involvement. Arguments of abundance or scarcity of some kind of property have no principled bearing on rights of ownership.

If a man builds a chair, that is his chair. If a woman writes a book, that is her book.³⁰ If a child walking through a natural wilderness picks up and keeps a rock, that is the child's rock.

Sales contracts have both explicit and implicit terms. If a contract has no provisions for some issue, a party cannot assume he has an entitlement. Automobile manufacturers do not attach residual rights to their products, making a buyer the owner in full of his purchase except for attached trademarks. An artist may attach residual rights to a painting he created, entitling him to a portion of future sales. He would likely retain the copyright to the painting, allowing him to determine the making and sales of reproductions of the painting. A writer sells his books to make a living, but retains the copyright to his intellectual property. The buyer of a book owns that book, but not its contents.

A painting by an artist is a tangible property, although it holds upon it an intellectual creation that gives it its value. Reproductions of the painting make them clearly not the original, and they do not have the value of the original. The contents of a book, which can be reproduced innumerable times, are the intellectual product of the author, while a specific book is the property of the person who properly purchased it.

Patents, copyrights, and other devices that register ownership of intellectual property would have to be done only once in a civilization of free societies. Those devices should be recognized throughout civilization.

Scientific concepts, inventions of devices, procedural inventions, and plans are some of the many forms of intellectual property. These are the creators and drivers of civilization. Nearly everything of importance in our lives began with abstract concepts that were developed and applied.

107. **Patents**

The free-for-all following the expiration of a State patent is an example of people considering moral and ethical behavior to be the same as legally-allowed behavior: If the State says that certain kinds of theft are okay, then those thefts are moral and ethical in their minds.

Under the principle, there are no coercive monopolies on intellectual property. If someone creates an invention, that is his property to use as he chooses. However, in this large world of many people, if it is possible for one person to invent something by independent effort, it is

³⁰ The writing—the created content—is her property and remains so even if she sells books containing that writing.

possible for others to also invent the thing by independent efforts. Those other inventors are not to be constrained if they are truly independent and not merely copiers of the first invention.

James Watt, often identified incorrectly as inventor of the steam engine, was interested in steam power and looked at the Thomas Newcomen steam engine. He invented a design much superior in efficiency when he realized the shortcomings of the Newcomen engine. Watt joined in partnership with Matthew Boulton, a business man, to produce the improved engines.

Watt used coercive State-issued patents to prevent competition, which obviously is not consistent with the Principle of Equal Freedom. It is instructive to consider how things might have gone if all were in a free society following the Principle of Equal Freedom and its corollaries. Firstly, Watt could have registered his *design* so as to obtain a noncoercive patent on that design. Just as he could look at the Newcomen engine, then go off and design his own engine, others could have looked at the Watt design, then gone off to design their own engines, but they could not have copied Watt's design without infringement. If someone could show convincingly that he arrived at essentially the same design as Watt in a fully independent manner, he would be morally entitled to do as he wanted with his identical concept. Neither Watt nor any others in society could constrain that second inventor, just as they could not constrain inventors of other steam engine designs.

If Watt thought someone had infringed on his design patent, he could file a notice of possible infringement with the registrar he used for his patent. The registrar could send notice to the alleged infringer and make public announcement about the situation. The registrar would hold a review by engineers, scientists, and other competent people to assess the claim. Their findings of infringement or not should carry great weight within the society. The registrar would have made public announcement of the findings. If the finding was for infringement, the infringer, to clear his name, could pay a penalty royalty, then either change his design or continue under a royalty agreement with Watt.

Watt could have both produced his own engines and licensed others to build the engines under a royalty agreement. He could have assigned his patent to another person or to a company or a foundation. He could have let future royalties accrue to his perpetual estate or assigned the right to royalties to another person or organization.³¹ In time the royalties would have declined as his design fell into disuse, although they might continue in a reduced manner if subsequent producers of steam engines used parts of his design and continued royalties for those elements. The royalty rates might themselves decline over time.

It should be clear that neither Watt nor Newcomen owned the concept of *all* steam engines.

The contemporary scene for scientists is influenced by the potential of scientific intellectual creations being turned into commercial ventures with the possibility of royalties or equity participation being received by the creator.

Scientists generally consider a lack of acknowledgment of prior authorship to be improper behavior, while a false claim of original authorship is essentially an unforgivable sin—that is an

³¹ Remembering that in a free society, there is no State or other coercive organization to either force the transfer of Watt's property to others or to confiscate the property for its own benefit. Watt's property, like that of all other people, defaults to his perpetual estate in a free society. In other words, Watt does not lose ownership of his property just because he dies.

attempt at intellectual theft.

The commonly accepted criteria for originality is logical and reasonable: the prior publication or disclosure by other method of a concept is held to invalidate a later claim of originality unless the latter claimant can show convincingly that his invention predated publication of the one already made public or otherwise could have had no knowledge of the other invention. Situations such as these are common in science and typically get sorted out in an impartial manner.

Noncoercive patents allow an inventor to profit from his creations, and even earn a living by his creations. An inventor could include with his patent filing terms for the use of his invention, which could be done without a separate contract for each licensee. A licensee could simply send a notice of intended use and acceptance of the terms, and then proceed ahead with his manufacturing project. Alternatively, the inventor might specify a particular licensing agency that a prospective licensee should work through to gain a specific contract and license for use.

108. Copyrights

Copyright protection is properly automatic, without requirement for registration with a copyright or other intellectual property agency. However, registration is advisable. Copyrights do not expire in a moral and ethical environment. If an author has his work, such as a book, published and available for sale, that is the only moral means of acquiring the work, except by negotiation with the author or his representative for an exception. The same applies to his estate or heritage foundation. If his book is out of print, the author or his representative is likely to give permission for reproduction of a copy with possibly a royalty fee to be paid.

Contemporary State-backed copyrights are faulty, primarily by being time limited. Another shortcoming of State-backed copyrights is that they are not recognized and protected in all countries. In the US, a proper aspect of copyrights is that they exist even if the creator does not register the work with the State.

There is nothing about a copyright that makes it fundamentally different from other properties with regards to ownership, so there is no moral basis for claiming that copyrights expire at some point in time. Ownership continues with the creator, and eventually his estate, or with a transferee.

Copyright examples that do not expire:

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The items above can be sequentially combined. For example, an author can specify that Item 3 is in effect for his life plus 10 years, then Item 2 (or Item 1) is in effect thereafter. The above example material may be used in accordance with Item 1 above. These items are shown as examples only. This material is not legal advice, nor is it intended to be used as such.

The Creative Commons organization offers a private approach to copyrights that allows the creator to define the type of copyright to be associated with his work. Its Web address is <http://creativecommons.org/>. This organization is a form of registrar and licensing agency that would operate in a free society.

109. The Ideal Use of Intellectual Property

Intellectual property is a property belonging to its creator, and properly without restrictions or obligations upon those property rights from other parties. In our contemporary societies, intellectual properties are frequently subject to coercive restrictions or obligations, which make the authors intellectual slaves to the States that interfere with their rights to their own properties.

The ideal for use of another's intellectual property includes:

- Acknowledgment that the author/creator is the source
- Usage fee as compensation for using the property
- Readily available to all for all moral purposes
- Proper copyrights and patents are respected
- User compliance with the terms given by the author.

Acknowledgments and payments are proper rewards to the creator for benefits given to individuals and society. It is for each author to decide if he wants one or the other, both, or neither whenever his creation is used.

In the absence of explicit terms of use, especially where the creator is deceased, a person using the intellectual property of another could assume that use could be made with acknowledgment, royalty, and moral application.

The contemporary concept of *open use* is commendable, but some people must live by proceeds from their work. No other person has a right, except as might exist by contract, to appropriate intellectual property from a creator. That is theft and destructive to the livelihood of the creator. Where a creator specifies an open use arrangement for his work, that is his choice.

The *first sale* principle establishes an important limitation on the extent of copyright protection. The concept is that once a person has properly acquired a book, computer or music disk, etc., he can lend, sell, or give it away without having to get permission from the copyright owner.³² This follows from the recognition that the purchaser of a book (or other media) owns the book, but has not purchased rights to the content of the book, or has acquired limited rights to its use. In my opinion, *fair use* of the book allows the owner to make a copy to protect his purchase, provided he makes no further use of that copy—he cannot lend, sell, or give away a copy or a derivative copy. He may, under fair use, extract brief quotations for inclusion in his own work, provided he shows them as quotations and acknowledges the author and source of the quotations.

Where payment rates were not established by an author/creator, payments rates could be based upon good-faith estimates of the value of the intellectual property to the user's product. This might generally be in the range of 0.1% to 10.0%. As an example, an author makes use of extensive direct quotes from several sources in his own work, such that the quoted material amounts to about 30% of the completed work. This author should consider taking 10% to 30% of his net proceeds and disbursing that as royalties to the other authors or their estates, foundations, or trusts, as the case might be.

In the case of written documents that are used by some party, if there is no open contract providing guidelines, use of contemporary royalty rates and book prices could provide a guide. Thus someone downloading and printing a work by Herbert Spencer or Lucretius, as examples, might choose to pay a royalty of 10% of \$10, which is \$1, into some perpetual account or trust that is run to further the interests of the author. If the user thinks a royalty of \$0.10 is more appropriate or all that he can afford, that should also be satisfactory. A publishing company reissuing a book by Spencer, deceased more than a century now, should properly pay a standard royalty to an estate, foundation, or trust that represents him.

The terms are the prerogative of the creator. He could choose to require explicit contracts rather than fair-use contracts, and he might choose to enter into an exclusive contract with a business entity for application of his concept. However, others might independently arrive at the same, or nearly the same, concept. That is their property, which they can use and distribute as they wish, as long as their concept was truly independently derived.

Open-use contracts are already in widespread use among developers of open-source software. The contract is provided along with the software, and includes the terms and conditions of use and how payments should be made. Typically these software authors require acknowledgment, but do not require payment for use of their software except for commercial applications. This is a very enlightened, effective, and fair use of their intellectual properties. However, it should be remembered that this is a choice to be made by each owner, not a condition imposed by others.

110. Trademarks

³² Subject to valid contracts between the purchaser and creator or other copyright holder. Some creators of one-of-a-kind works, such as paintings, sell their creations with covenant contracts that specify a fractional royalty on all subsequent sales where a profit arises. Such covenants can continue indefinitely, with royalties accruing to the creators estate, unless otherwise specified.

Trademarks and other commercial icons can be registered or not. Obviously registration provides stronger protection, but they should be registered only when actually used with a product or service to avoid false claims. Fair use allows including a trademark in a document provided it is acknowledged to be a trademark and the owner is identified, and provided the trademark is not altered.

111. Defense of Rights and Properties

The responsibility for defense of rights and properties lies with the person, or persons, who is the holder of rights and properties that are subject to challenge. However, it is to the advantage of all that rights and property be the concern of all, for when a person is concerned for the protection of his neighbor's rights and properties, his own well being is enhanced by reciprocal concerns.

Any person in a free society can act to protect the life, liberty, and estate properties of another. Specialized protective agencies might be more effective, but anyone can contribute to a protective action.

112. Restoration and Restitution for Damages

The removal or loss of properties by natural events, misplacement, coercion, or fraud do not cause loss of ownership, neither temporarily nor permanently. Anyone acquiring possession of property through, or as a direct or indirect result of, coercion or fraud does not acquire proper ownership of the property, even if bill of sale, formal title, or other document of transfer states otherwise.

Anyone recovering such removed or lost property that is properly his own owes no one a payment for the property being recovered—a person cannot be made to pay for what is already properly his. (If a service is rendered in the recovery of the property, that service could be a basis for a payment associated with the return of the property.)

A buyer of stolen property has no legitimate right to that property. Upon discovery, the property should be returned promptly by the holder to the owner, without demand for payment by the holder. The holder can attempt to recover his costs from whomever conveyed the stolen property to him.

Chapter 6

Living Without Coercion

Life would be much more enjoyable and secure if we could live without continual assaults of coercion and fraud, especially from overarching societal institutions. A free society at the least has no sources of overarching institutional coercion and fraud, offering a major improvement over contemporary society. Living in a society without institutional coercion allows social and personal freedom of action. It is the road to wealth, health, and happiness for the entire population. It provides greater safety for individuals than a coercive society, where fear can be the norm.

There are two ways to live without coercion: live in a society that does not allow coercion or structure one's life so that coercion is effectively reduced to a negligible level. The best that can be done at present is to reduce coercion to a tolerable level.

Living without coercion also means not exerting coercion over others. For many people, this is a difficult thing to give up—not only by criminals, but by the multitude who think they should determine how their neighbors live. One must be neither victim nor perpetrator in a free society.

As an example, the Libertarian Party, the political organization, defined its non-aggression principle as the idea enshrined in the party's declaration, "No man has the right to initiate the use of physical force against another man." Yet politicians from the party, if elected, would continue taxation and the enforcement of other laws, which is the blatant application of coercion, contradicting their own principle. They would be doing things for which they stated they have no right to do.

113. Living in Equal Freedom

Living in equal freedom means that every person respects the freedom of every other, which includes the liberty and properties of others. The primary benefit for the individual is that one is not subject to coercion—no injurious force is applied to any morally-acting adult person. A

person has only three basic obligations:

- 1) Do not interfere with the lives and liberties of others
- 2) Do not interfere with the estate properties of others
- 3) Adhere to contracts.

With these simple obligations, every person is free to pursue his own happiness.

114. **Extent of Moral Actions**

The morality of actions is determined by principle. The sets of laws created by States do not determine morality, only legality. The proper extent of actions is described by the conditional clause of the Principle of Equal Freedom: to not interfere with another morally-acting person.

No group of people has any inherent right to exercise authority over others, nor any inherent right to deny their responsibilities toward others resulting from actions by the group. Political governments fail in both cases. Corporations authorized by political government typically fail in the latter case, and sometimes in the first case.

Since a State is a source of coercion, it can be ignored or resisted by principle. When seeking freedom, violence against coercive government should be avoided except where the government has become abusive, causing death and injury to people by its actions.

War should always be opposed except in defense against attack. Even then, it should not become a war of retribution. It should be conducted only to the extent necessary to stop the attack and make a following attack unlikely.

Educated intellectuals still support the State in their attitudes and pronouncements. Socialism gained its strength under their support. Today, they have to a large extent turned away from socialism (its failures and injustices being glaringly obvious), but they on the whole still support the State. The State helped these people gain their education, and through research and other forms of grants, continues to support many intellectuals. So it is no surprise that many of them consider the State an essential part of society—it is an essential part of their life mode.

Intellectuals cannot be depended on to oppose war. Support for entry into World War I was strong among intellectuals. Indeed, an intellectual, Woodrow Wilson, led America into that disastrous war. Those intellectuals who do oppose war nonetheless support the presence of the State, which is the source of war.

The State, every State, is an antisocial institution and an enemy of all people. From Albert Jay Nock:

You get the same order of criminality from any State to which you give power to exercise it; and whatever power you give the State to do things FOR you carries with it the equivalent power to do things TO you.

When people support or aid a State in any manner, they are supporting coercion. This includes holding employment as a bureaucrat or enforcer, or holding office as an elected official.

Voting itself is an act of coercion against others—it is an act of support for people who want

to hold coercive control over others. It is an act of legitimizing the claim of an office holder that he has been granted powers to control others.

115. **Society Without Coercion**

If an individual was transported from contemporary society into one of equal freedom, he would immediately discover two astounding things: his neighbor could not coerce him and he could not coerce his neighbor. As he explored his surroundings further, he would discover that no one in the city could coerce him, neither could he coerce anyone in the city. Regardless of how far he explored, he would find nothing different within that society.

He would discover that if he wanted a resident of the city to do something for him, he would have to negotiate with that resident. He would find that he could get a job just by asking and being accepted. Possibly the next amazing thing he would discover is that he got to keep the entirety of his earnings—no taxes would be withheld. On the other hand, he would find that he is expected to pay for everything that he receives—he could not pass off onto other people the costs of goods and services that he wants. He would discover that he is expected to be a self-responsible person, but with the availability of insurance and even charitable support if necessary.

Suppose that equal freedom exists across a land. A group dislikes and distrusts equal freedom and wants to live under some degree of socialism. They can set up an enclave within which they enjoy their socialism, and can have as much or as little interchange with the people in the remainder of the land as they wish. Now, suppose that some degree of socialism exists across a land. A group wants to live under equal freedom. They cannot set up an enclave for themselves—it is not allowed by the authorities and would surely be a source of outrage by the populace. That lack of symmetry shows that one system supports freedom and one system is opposed to freedom. The US government, as a prime example, would not allow an enclave of equal freedom to exist, regardless of its size—the US government is not a government of free people, in spite of its propaganda.

Infantile people who do not want to exist without an authoritative leader over them can join socialist or religious enclaves where coercion and fraud prevail. A free society allows people to give up their freedom—necessarily so—provided it is done voluntarily, and provided the coercion and fraud are not extended to people outside the enclaves.

116. **Control of Properties**

The world is full of people who not only strive to control the property of others, but who all too often believe that they have some moral right, even an obligation, to exert such control. Some, of course, are simply thieves; others are in political government or use such government to their ends.

The Principle of Equal Freedom does not allow control of any properties of a self-responsible person, except to the extent that permission has been given by that person.

In a free society, a person has unabridged ownership and control of his estate properties, subject only to contracts voluntarily made such as mortgage liens and covenant deeds. Since

there is no coercive government, there are no property taxes, no arbitrary zoning impositions, and no monopoly patents. However, property owners are responsible for their actions and inactions, and can be responsible for damages to others that are associated with those properties.

Life and liberty, being properties, are similarly not subject to control by others, except for contracts voluntarily made. Exception is made for people who, for whatever reason, are not self-responsible: They can be under limited control by a self-responsible person who also takes on the responsibilities of the other.

117. **Protecting Properties**

Protection of properties is a fundamental characteristic of a free society. Under the principle, a person may protect all of his properties of every kind, and with equal validity so protect the properties of others. In a free society, where State-created coercion does not exist, there are going to be sources of smaller-scale coercion. Proprietary governmental organizations can provide protection for individuals and organizations. Where a free society is threatened by an external State, larger-scale protective organizations will be needed.

Any proprietary organization operating in a moral manner that provides protection for life or any other form of property is in fact providing some kind of governmental function.

People can, and already do, make use of proprietary governmental organizations—they are not presently called that even though that is their function. These organizations can operate and provide effective services within societies that are constrained by coercive government.

Numerous private protection companies provide armed and unarmed protection of life and property. They impose no coercion against morally-acting people and generally operate to the limits of what political governments are willing to allow them. Various registry organizations, such as Screen Writers Guild of America, offer protection of intellectual property.³³ Many private computer and data security organizations provide protection in the information technology field.

118. **Granting Equal Freedom**

Living in a free society necessarily means granting freedom to all others to be compliant with the principles of the society. In a free society, coercion and other damages are not tolerated, whether from individuals, corporations, third-parties, or social or religious institutions. If they are allowed, the society ceases to be a free society. Thus all citizens of a society have an interest in protecting the existence of freedom in their society, which is to say they all have an interest in preventing coercion.

For as long as organized coercion is allowed to exist as the social mode for nations, war is possible. With the elimination of coercion, war is no longer possible. The specter of the Nazis, Imperial Japan, the Soviets, the dungeons of Catholicism, and uncountable others should haunt humanity across the millennia until coercion has been so purged from human society that these

³³ The World Intellectual Property Organization works on a global basis, but unfortunately is a United Nations organization, backed by national governments, and is thus a coercive organization.

things can never again come into existence.

The conditional clause of the Principle of Equal Freedom requires tolerance between all people when living in a moral manner. Criminal behavior, of course, should not be tolerated. In contemporary society, there is criminal behavior that is typically not considered to be criminal, which includes taking property in the manner of taxation, or controlling how a property owner uses his property.

A socialist wants to force everyone into his concept of a just society. An advocate of equal freedom wants to live his life in freedom and is willing to let others follow their own course—if someone wants to live in a socialist society, that is his prerogative, provided he does not coerce others. There is the fundamental difference: one wants universal coercion, the other wants no coercion.

Tolerance between people requires that no one forces another to live to particular standards or modes (provided that other person is a morally-acting one).

A person's reputation is part of his life and thus part of his properties. A professional person especially carefully builds his reputation as part of his ability to earn a living, but this is also true of nearly everyone to some degree. If person *A* damages *B*'s reputation, then some damage has been done to *B*. The immediate issue is whether or not *A*'s actions reasonably fall under what should be regarded as a right to speak an opinion or if it should be seen as a wilful, malicious attempt to cause damage to *B*. As an example, *B* and *C* are about to enter into a contract of great importance to *B* and *A* arrives as an uninvolved party. *A* makes serious and untrue statements about *B*'s integrity, resulting in termination of the intended contract. *A* caused economic damage to *B*, and in this case I think *B* has a basis for a claim of damage with restitution due to him.

In general, the right to speak opinions should be assured by society, but damage, especially if wilful and malicious, should not be acceptable by society, even if words are the weapon of choice. Opinions on this issue differ among libertarians who manage to agree on many other issues. Undoubtedly, different societies will lean in different directions on this issue, but I have no doubt that words can be used to cause damage to others.

119. **Freedom Beyond Earth**

It is of great importance to human civilization and to the settlers going into space that terrestrial governments not extend themselves beyond Earth. While by treaty the governments cannot claim land beyond Earth, apparently nothing can prevent them from occupying and controlling land. This should be resisted by all freedom-loving people, and most especially if provisional or territorial governments are established in those controlled lands.

If this happens, the consequences are likely to be quite serious and to endure for centuries. It is possible that celestial bodies will be treated as Antarctica has been treated, where all of its land has been apportioned among terrestrial political governments, that, while not annexing the territory to themselves, exert total control over the land and all activities therein. As a result, private parties are not allowed to go to Antarctica except by permission of and under the control of one of those governments.

If the usable celestial bodies of the solar system were controlled in this manner, it would be a disaster for civilization and the advancement of freedom. If terrestrial governments controlled

only the immediate lands around their extraterrestrial installations, at least then settlers could establish their own towns and cities that could remain sovereign from terrestrial control.

The US government sends only government employees and employees of government-connected corporations into space. It has severely resisted private individuals going into space. In one of the great ironies of modern civilization, it is the Russians, recently broken out from communism, who appear most tolerant of private activities in space. There is no reason at present to expect that the Chinese government will show such tolerance.

However, even if terrestrial governments attempt to exert strict control over the usable celestial bodies, space is likely to prove too large for them to completely control. Settlers with an independent frame of mind and a desire to live in real freedom are likely to find some places in the Solar System where they can establish free societies, but it would be far better if people going to live in space could do so without having to live as serfs or as fugitives in the less desirable backwaters of the Solar System.

Chapter 7

Living Without Fraud

Numerous sources and types of fraud exist in contemporary society, more than we like to admit. They control our lives far more than we want to admit. People are under a barrage of fraud at essentially all times in contemporary society. It ranges from small misrepresentations on product effectiveness, for example, to attempts to take a person's wealth, a goal of some religions organizations. Fraud is practiced by governments, political parties, churches, evangelists, and nearly every institution trusted by people. When all of the fraud is totaled up, it is hard to comprehend how contemporary society can still function.

The most obvious kinds of fraud are those of confidence schemers and deceptive business people. The most pervasive kinds of fraud are those of governments and religions.

In contemporary society, many people find that the use of fraud is an easy and safe way to gain riches. In an ideal society, if someone found that he had made a misrepresentation in selling a product or service, he would be embarrassed and would make some compensation and apology to the consumer in a voluntary manner. It would be a rare person who would do this today.

The fraud permeating our society does far more than damage individuals—it damages society and even civilization itself. The structures and organizations of our societies are influenced by the fraud to the detriment of all. The advancement of civilization has been greatly hindered by organized fraud.

Organized coercion has some kind of militant enforcement to assure its continuance. In contrast, organized fraud exists almost entirely by the acceptance of people. It can be removed by knowledge and the will of the people. If organized fraud is eliminated or greatly reduced, organized coercion will also be reduced because it is to a substantial extent dependent on fraud.

It is obvious that a free society must be without overarching institutional coercion, but it is equally true that a free society must be without overarching institutional fraud. Institutional coercion and fraud adversely impact society and the lives of individuals, and are in total contradiction with the Principle of Equal Freedom.

Institutional fraud is absent as a force in a free society—there is no State and, while an institutional Church might exist, it does not exert a general control over society.

120. **The Mythical Foundations of Society**

Over the millennia, myth has been of great importance in having populations accept the systems of State and Church that are imposed on them. Some of the myths are specific to the particular State and Church, spanning the time of their existence. Other useful myths are cosmic in scope and enduring across millennia, however they might be adapted to specific societies.

Myths are fictional creations, whether or not there are some factual foundations for them. Whatever original facts might have served as substrates, by the time the myths have developed in service of State or Church, that service shapes them more than their origins.

With those institutions currently controlling society relying on myths for much of their control, we can see that society is shaped to a large degree by its accepted myths.

It has been known for a long time that external wars are highly effective in keeping populations in support of the State. What is less obvious is that the events of the wars and the rationale for the wars become part of a mythical system that keeps the populations accepting the wars and accepting the apparent necessity of the State to wage the wars, so that the new myths growing out of the wars continue to elicit support for the State long after the wars have ended. The mythical systems from World War II have been effective in helping to maintain support for large States for more than half a century after the end of that conflict. They have helped the existence of the Cold War and numerous lesser wars in the aftermath.

The mythical foundations need to be discarded in favor of rationality. Converting contemporary society to a free society requires exposing and replacing the myths that so effectively empower State and Church.

121. **Political Government Fraud**

People can usually be controlled more easily and with less cost by fraud than by open coercion. Even though States are primarily coercive organizations, they make extensive use of fraud for those reasons. Fraud can be found in nearly every interaction between a State and its subjects, even in situations where coercion is being overtly employed.

The biggest of their frauds is the highly successful one that the State itself is essential for safety, functionality, and stability in society. The success of this particular fraud is probably the singular reason why freedom has not been established in contemporary societies.

One of the more important frauds is that of the fiat money forced upon people by States—people are told, and most believe, that something that is intrinsically worthless actually has some value. Other major frauds from States include their Ponzi schemes for retirement and health care.

Fraud from the State includes the obfuscation and misinformation of every type that are associated with the members of the State hiding the truth about their corruption, incompetence, and manipulation of the public. The latter includes the propaganda and indoctrination that are directed toward children and adults to make them malleable and accepting of the status quo.

Fraud from political governments will exist as long as States exist. They are powerful monopolies, and cannot be circumvented to any substantial extent. The only way to eliminate the fraud from political government is to eliminate the State.

The noncoercive governments in free societies could not long operate if they used fraud, because they cannot have a coercive monopoly. Customers would leave fraudulent operators and go to ethical ones.

122. Church and Religious Fraud

Every adult person has the right to his own religious beliefs in a free society, because the Principle of Equal Freedom allows no interference with personal beliefs. He has the right to join with others in following their religious beliefs provided they do not impinge on the rights of others, that is, their activities should be consistent with the Principle of Equal Freedom.

No one has a right to inflict fraud or coercion upon others, even if that fraud or coercion is claimed to be a religious belief or act. Any manipulation of a person through coercion or fraud is contrary to the principle.

A fraudulent system does not cease to be a fraud simply because its adherents genuinely believe its myths. Priests, like shamans, find their profession to be an easy way to make a living and an attractive way to manipulate others. Sometimes religious leaders are taken in by their own fraud. Other times it is a deliberate invention by schemers, such as Ron Hubbard, Joseph Smith, and James Jones.

Nearly every religion involves some degree of effort to control the members to assure power and wealth for the leaders. Some are or have been abusive to extremes. The situation is at its worst when the State lends its powers to the interests of the religious leaders.

A free society should look upon fraud with the same scrutiny that is given to coercion. In the case of religious fraud, adults who choose to follow the religion are making a voluntary choice, albeit with what others see as an element of fraud, therefore not a *free* voluntary choice. From one perspective, intervening in fraud is as valid as intervening in coercion. From another perspective, the adherents are making their own choice, therefore forceful intervention is not appropriate. However, non-forceful, limited intervention is probably always legitimate in a free society.

Then how does a free society deal with a religious movement that is fraudulent, perhaps even coercive? Certainly education, information, counseling, investigation, and ostracism of the religious organization and its leaders can be employed, but not force in the absence of coercion by the religious organization. However, just as any person can provide unrequested assistance to another to thwart a coercive attack, so can unrequested assistance be provided to thwart fraud, whether that fraud is religious in nature or otherwise. Defensive force can be employed to counter coercion. Valid, unfavorable information can be published and publicized to counter fraud.

Forceful intervention is justifiable when some amount of coercion (force or threat of force) is involved in keeping people within a religious organization. When this situation exists, physical, forceful intervention by members and non-members alike is justifiable.

123. **The Mutual Support Between State and Church**

State and Church are typically mutually supporting institutions, even though they commonly struggle over the balance of power between them. Their mutual support and struggle for power date back to the tribal chief and shaman before the existence of civilization.

State and Church maintain a mutually-beneficial system of fraud and coercion. The Church supports the State, while the State protects and favors the Church that holds the most sway over the people and that endorses the State. Priests and dedicated believers seemingly cannot resist opportunities to use State authority to further their ends. Thomas Jefferson wrote, “History, I believe, furnishes no example of a priest-ridden people maintaining a free civil government.”³⁴

124. **Commercial Fraud**

There will be individuals and groups operating in a fraudulent manner in free societies, just as they exist in contemporary societies. Alertness and communications will go a long way to minimize the effect of these fraudsters. Customers, neighbors, and various agencies will watch for fraud.

Commercial fraud can arise from individuals, groups, and companies, including rogue operators working within honest, legitimate businesses. Some companies may be entirely fraudulent, or they might conduct legitimate business with elements of fraud built into their operations.

Contracts are not fully-valid contracts if fraud is used. However, it is not always easy to detect fraudulent contracts until after damage has been done. The victim of a fraudulent contract cannot have the contract enforced against him, but the perpetrator of the fraud can be held to his terms of the contract. This is because one cannot use fraud to release oneself from contractual obligations.

125. **Avoiding Fraud**

Fraud is typically more difficult to detect than coercion since coercion is often visible and obvious. Several types of agencies can help people avoid fraud, such as registrars, protective and investigative agencies, banks, and insurance companies.

The best defense against fraud is readily available, accurate information about the people who engage in fraud. The agencies working against fraud can compile and share information among themselves to strengthen their capabilities. They can provide clients with insurance against fraud. Those agencies providing fraud insurance have strong incentives to be competent in their operations against fraudsters.

The agencies can minimize the number of fraud cases, and perhaps more importantly can minimize the extent of the frauds. Their performance incentives help assure that their monitoring and investigations are effective, far more so than the bureaucratic agencies forced upon us by the State. In addition to their monitoring, these agencies have an incentive to educate their clients on

³⁴ Letter to Alexander von Humboldt, Dec 6, 1813.

the best techniques for avoiding and recognizing fraudulent activities.

People should learn how to live successfully in the midst of the pervasive fraud in contemporary society—in practice, most of us pick up at least a rudimentary ability to detect fraud. It would obviously be much easier to live in a society where fraud is a rarity, but we do not enjoy that happy condition. For avoiding fraud, there is an enormous value in the old adage that if something sounds too good to be true, it probably is.

126. Recovery from Fraud

As when other types of damages are suffered, an injured party can try direct negotiations with the injuring party, he can employ public pressure, he can use an arbitrator, and he could rely on an insurer for compensation. An insurer could use these same methods to gain back payment it had to make because of the injuries. Where damage has been done, and especially when an arbitration decision has been made, other agents such as free-lance specialists could act to achieve recovery of compensation for the injured party or his insurer.

127. Control of Fraud

Even in an ideal society, there would be businesses and individuals who will want to try fraud. Today, the Better Business Bureau (BBB) in the U.S. provides a database of businesses and individuals found to have committed fraud or who have been the subject of numerous complaints by consumers. Dun & Bradstreet (D&B) provide ratings on the creditworthiness and other factors of established businesses. These two organizations are a start, but not adequate as they currently operate. The concept needs to be extended to several organizations that have global databases, readily accessible by all people. These are referred to here as global rating agencies (GRA). GRA's would compile and report data on individuals and companies. Individuals and companies wanting a rating would receive one, while others would have complaints tabulated, but no rating given. These GRA's would not necessarily be resolution organizations, functions that today are handled by arbitration agencies, courts, and attorneys.

The reverse situation is where businesses are victims of customers who employ fraud. This is a widespread phenomena in contemporary society, and receives little attention in the news media. In a free society, shoplifters and other fraudulent customers could find public notices posted about their behavior, and entries made in their credit records.

An effective fraud protection agency in a free society would be more definitive and aggressive in its approach to resolution than contemporary agencies have been. The best such agencies would provide their own guarantees of resolution, so that their own assets are on the line in protecting clients.

Where fraud it is suspected, investigators could come in and look at evidence, then publically report their results. In cases where suspected fraudsters do not allow competent investigators in for an assessment, that fact of denial could be publically presented. Then it is up to prospective customers and others to decide if they want to do business with a fraudulent operator or a suspect who refuses to cooperate with investigators.

The publicity surrounding a fraudulent action might cause a fraudster to provide

compensation to the injured party in a prompt and fair manner. The reason for this is both the publicity and knowledge that his actions will be maintained in databases available to the public and to businesses. This has the potential to seriously impact his ability to live in society. An act of fraud without voluntary payment of compensation could leave a fraudster marginalized in that society. Prompt and fair repayment would somewhat repair the fraudster's credit rating.

128. **Personal Ethics**

A free society should have means for limiting and resolving cases of fraud. Philosophically, fraud is not a problem when people adhere to the Principle of Equal Freedom. However, there will always be the full-time con artists, and there are also the cases of those who lead apparently honest lives, but will take advantages of opportunities for small-scale fraudulent activity. These are the part-time con artists and opportunists.

Fraud is always a case of failed personal ethics—where people choose to violate principle. A free society should include aggressive action to resolve fraud and penalize fraudsters at least in the form of publicity and restitution requirements. A free society must enforce the conditional clause of the principle to maintain freedom and quality of life in the society. This is best done when people adhere to principle and strictly avoid those who do not adhere to principle.

Chapter 8

Living with Responsibility

The sovereignty of the individual is coupled with responsibility. The independence of the sovereign person means that he looks after his own well-being; he seeks his own prosperity, health, and happiness. A person who gives up responsibility for himself, especially to State or Church, has given up control of his life, so he is no longer a sovereign person.

In a complex modern society, division of labor is essential, which creates an interdependence among people. A person who needs bread is responsible for finding some to meet his needs, but this does not mean he has to grow wheat, make flour, and then bake his bread. He only has to find someone who bakes bread and is willing to exchange bread for whatever the prospective consumer has of value—typically a commodity that serves as money. The baker in turn relied on the miller, who in turn relied on the farmer, all of whom relied on others for transportation and incidentals. Each person has responsibility for his own production of goods or services of value that facilitate the exchanges.

This interdependence, without loss of personal responsibility, leads to the many types of reciprocities between people. A free society functions through reciprocation, all of which is done voluntarily, but not necessarily for monetary payment.

129. **Self Responsibility**

Self responsibility is a key measure of adulthood. The assumption of self responsibility by a person is *prima facie* evidence that adulthood has been achieved.

There are numerous aspects of self responsibility, which include:

- Accepting the consequences of one's own actions, not blaming others for failures nor looking for undue compensation for failures and natural disasters
- Thinking rationally, eschewing the fraud of political government, the revealed religions, and

the astrologers in their various forms

- Applying valid methods of analysis
- Maintaining skepticism, especially toward revealed ‘truths’, about which one is not supposed to think too deeply, but is supposed to accept the interpretation of an ‘intellectual’ or spiritual leader
- Accepting reality and the fuzzy, uncertain nature of existence
- Maintaining a conviction of one’s own value as an individual
- Acting morally, respectful of the lives of other people.

Every capable human being is responsible for managing his own existence. Allowing another person or organization to control one's life is an abdication of what is both a responsibility and a natural freedom. While an agent can be hired to manage some aspects of a person’s life, the ultimate responsibility still remains with the individual.

Every capable human being is ultimately responsible for his own education, or lack thereof. However badly his parents and schools, if any, performed, in adulthood he becomes responsible for his own education. Poor educational conditions while a child can strongly affect the early part of his adult life, and perhaps all of it, but with living in modern civilization he can gain an education that is necessary for successful modern life. A person in poverty and uneducated can find others willing to help the person improve his life, but the effort needs to be put forth and sustained by that person.

A modern free society will have a choice of agencies that can provide protection, insurance, education, and many other services. The adult individual has the responsibility to provide for his own needs, but he can find assistance from those agencies for protecting and enhancing his life, liberty, and properties.

130. **Personal Actions and Responsibilities**

One can act to the detriment of others, to the benefit of others, or in a neutral manner. If one acts detrimentally to others, he owes them some compensation for any damage he causes. If one provides benefits to others, usually there should be some compensation to him, monetary or otherwise. If one acts neutrally toward others, he should expect nothing extended to him from those around him.

At some point on the path into adulthood, the misinformation and indoctrination we received as children becomes our own responsibility. This is part of the process of self-education. Modern society provides abundant opportunities for self-education at low cost, so that continuing ignorance becomes a matter of choice. Those legions who choose to remain oversized children are responsible for their choices to eschew knowledge and rationality.

Every capable human being is fully responsible for his own thinking. Allowing another to provide the thinking is an abdication of the most fundamental responsibility of an intelligent being. Our thought processes guide us through our lives, influenced by personal philosophy, values, and circumstances.

Total freedom for an individual means that he can move from place to place and can use time as he wishes. Technology and the enterprise system are increasing the potential for the

individual to travel. This will eventually include the ability to travel beyond Earth.

Each person's time of existence is limited, although medical technology is improving the situation. The limited span of existence makes time the most valuable resource in a person's life. Many do not live as though this were true.

Total freedom includes a person having the ability and will to use his time to provide the greatest personal satisfaction. If he cannot, or does not, then his freedom is externally or internally abridged. For nearly all people, however, there exists some ability to alter both the external and internal constraints. A person has an obligation to himself to avoid external and internal constraints to the most practical extent, and to seek that which will give him the greatest personal satisfaction.

131. **Self Reliance**

Self reliance is a primary aspect of adulthood. Just as a person is responsible for his own actions and obligations, he must also rely on himself as the primary driver in his endeavors. Where self responsibility is largely an outward projection, toward others, self reliance includes an important inward projection.

We exercise our self reliance in a complex, civilized environment, which is a social environment that includes important physical, biological, and psychological factors. Division of labor causes us to rely on others for some goods and services. We also rely on others in marriage, friendship, business alliances, and other cooperative associations. But always we are captains of our own persons, our own motivator and decider.

Self reliance can be readily achieved within a system based on division of labor, where self reliance is based on being good at some activity that complements what others want to do, with a result of everyone finding his essential needs met in the marketplace.

A free society enables a person to choose to not participate in the division of labor, or to participate to a limited degree. This society enables people who want to live independently of others to develop self reliance in numerous skills so they can enjoy their independence.

One can enter into a life partnership with a spouse or a business partnership with others, thereby sharing some responsibilities and relying on the other, but in neither case does one give up or avoid responsibility for his own existence and actions.

A free society, with its free market, provides the least constraints on adults, which gives them the maximum possible flexibility in life choices. A maximum of choices improves the probability of satisfaction with one's life choices, which is good for both happiness and productivity. The ability to achieve self reliance under these conditions is one of the major benefits of a free society.

Every socialist or other authoritarian system, through its central management of the society, limits the choices available to a person. Too often the limits of this environment lead to a lifetime of frustration for the individual, and can interfere with the development of his ability to become self reliant. Being raised in a socialist environment causes many people to see themselves only as wards of the State, albeit with some necessity to hold a job, however unproductive it might be. They can think of themselves as being productive people when in reality their activities might be unproductive, and even harmful to the general economy and the

well-being of those around them. Such people are not self-reliant, regardless of whatever high opinion they might have of themselves. In truth, they become immature and cowardly, looking to Leviathan for instructions on how to live and unwilling to resist its obvious aggressions against their ability to follow their own concepts of how to live.

132. **Age of Responsibility and Consent**

Age of responsibility and consent as used here refers to an age after which a person is presumed to be able to make independent decisions regarding consensual acts with others. The criteria here is mental maturity, which has a somewhat weak correlation with physical maturity.

Adulthood, with regard to the principle, is the stage in which a person can take responsibility for his decisions and actions. No other person has a responsibility or right to impose decisions on a mentally-competent adult person, other than through valid contracts.

There is no precise age at which all young people are automatically adults. People become adults in a gradual process, learning self-responsibility in steps. Being an adult is a matter of competence as a self-responsible person. Sometimes circumstances require a young person to assume full self-responsibility early; it can also be a matter of preference by a young person wanting to get away from an unsatisfactory home life. People should recognize these variables in judging another person to be an adult or not.

Brain growth is completed in early adolescence, by about age 12, which is about the usual age of puberty onset. Anyone of normal mental competence beyond puberty can be presumed to be able to take a substantial degree of responsibility for their decisions and actions. While some brain development and behavioral development continue into the late teens and even early 20s, what is of concern here is the social expression: competence in self responsibility in society. Specific ages are variable in this regard, but ages of about 15 to 18 could generally be regarded as a threshold, beyond which is adulthood and self-responsibility.

No person should be denied his rights because of age. A person not fully an adult nonetheless is entitled to life, liberty, and property. A person who is of an age that is normal for full adulthood, but who is not fully mentally competent should be regarded as not fully an adult in a mental sense.

133. **Morality**

What constitutes moral action is a matter of principle, not what emerges from a consensus, from Church, from State, or any other arbitrary source. People who accept the principle as a code of conduct have a ready reference for moral behavior: any acts that are consistent with the principle. To live in a free society under the principle, the individual has the responsibility of living to the standards of the principle.

Spooner's universal obligation described in Chapter 1 is also a secular concept of moral behavior. It matches with what is generally regarded as fair, moral action among all peoples.

The principle, in stating that a person can live as he chooses while respecting others, implies that there can be no agencies present that prevent him from living as he chooses. The principle does not allow constraints from any source, whether individual or institution, to constrain a

morally-acting person. This makes the principle incompatible with the existence of coercion or fraud from State or Church.

Part of the failure of the Golden Rule arises from people defining what they think is moral behavior, typically from religious sources, and then attempting to impose their concepts of moral behavior on others. They do not see this action as being inconsistent with the Golden Rule.

When the concept of moral behavior is derived from the Principle of Equal Freedom, it is easy to see whether or not the actions of people are consistent with the principle. Thus, when using the principle, it is both easy to define moral behavior and easy to identify transgressions.

134. Professional and Business Ethics and Liabilities

The principles of conduct apply to people whether in professional, business, or general everyday life, which follows from the universal nature of the Principle of Equal Freedom. Formal and informal organizations and groups can add other items to their common codes of conduct and etiquette. A group might suspend some aspects of the principle within their group, but that can apply only within that group, not to outsiders, and only if voluntarily agreed to by the members. That is done in the form of a contract.

Contracts define rights and responsibilities between the parties of the contract. In business, written contracts are the norm, but spoken agreements are also valid contracts.

In a free society, there is no legal or other immunity for improper actions (coercion or fraud) or accidental damages. In contrast, in contemporary coercive society, police, soldiers, and other enforcers of laws are immune from responsibility for their actions except in the rarest and most blatant of cases.

No company or other organization can exempt an employee from responsibility for his actions as an employee, whether in taking authorized actions or unauthorized actions. A company might choose to reimburse an employee for liabilities incurred when following directives, but that does not create an exemption for the employee from his liabilities toward injured parties. An injured person can seek relief from a company and separately from its involved employees.

No company can grant itself immunity from responsibility for its actions and directives, or from responsibility for the actions of its employees in the conduct of its business. No professional person can grant himself immunity from damages or other consequences from his actions.

However, where contracts preexist between injuring parties and injured parties, the terms of the contracts might define limits or exemptions in those cases.

135. Responsibility and Mental Impairment

Nothing in the principle or its derivatives requires people to accept losses or endangerment as the result of a mental impairment of another. Endangerment in particular, whether to self or other, can be controlled or eliminated by the use of force, even if harm comes to the impaired person causing the endangerment. However, common sense and compassion would ideally be considered in the response.

Temporary impairment of a person due to impairing substances taken with or without knowledge of effect does not relieve that person of responsibility for losses caused by him. Permanent or lasting impairment due to a medical condition that leads to loss for a victim could be a case where common sense and compassion would lead to forgiveness—that is more a case for the victim to rely on insurance or just ignore a right to compensation.

136. **Primary and Secondary Effects**

Responsibilities between parties, whether under contract or not, are generally confined to primary effects. Where damages are claimed as a result of secondary effects and the parties cannot agree on responsibility and extent of claimed damages, arbitrators should be called upon to settle the claim.

As an example, every person must consume some resources to live and enjoy life. The associated depletion of resources such as air, food, and water by one does not constitute damages to another. The stockpiling of such resources for one's use is not a source of damage to others. As a counter example, the draining of polluted water from the land of one onto the land of another is a case of damage.

Most people have a good intuitive judgement of whether or not damages to a person are a case for restitution. Generally, there should be evidence of direct damages to a person's life, liberty, or properties for a legitimate claim of restitution due for the damages.

137. **Responsibilities for Actions and Inactions**

Actions often have a potential to cause harm to self or others. A sign of maturity in a person is being able to recognize the existence of harmful outcomes and to accept responsibility for the consequences where appropriate. In the case of harm to others, then an apology, restitution, or other acknowledgment is appropriate. Some adjustment to personal behavior might be needed as well. In the case of harm to self, some self-assessment and adjustment could be useful.

Where explicit contracts exist, the responsibilities for actions and inactions are defined or can usually be inferred. Implicit contracts can entail responsibilities comparable to explicit contracts.

If crime is tolerated, it will flourish. If people in a society regularly decline to watch for criminal activity, decline to intervene in criminal acts, and decline to participate in control of criminals, which includes not supporting crime-control organizations, they should not be surprised if their inactions lead to high incidences of crime in their society.

Without the existence of a contract requiring intervention, a person would generally not be held responsible for damages to another through failure to intervene in a situation where that other person was suffering injury. However, community reaction could be a different matter.

In some, hopefully all, free societies, social expectations could be that a community member should intervene to protect another if there is no threat of serious injury to that first party, but there is to the second party. Failure to intervene would not lead to justification of restitution, but could lead to social disapproval, and perhaps some ostracism.

A land owner is responsible for his land, both in acts of commission and omission. If he chooses to take no action to cut down a dead and rotting tree, and that tree falls and creates

damage to a neighbor's property, that land owner is responsible for the damage that resulted from his inaction. If a strong, healthy tree is blown over by an extraordinary storm and damage results to a neighbor's property, it can be argued that responsibility still exists. In a real case, it seems more likely that the damage would be covered by the neighbor's insurance, and the insurance company would forego recovery of the claim payment.

Just as every action has consequences, so too does every inaction, it being just a particular case of action (null action). The nature of contemporary society is set in large part by the inactions of masses of people, perhaps more causative than the actions of the masses. Their inactions allow a very small minority of leaders to set the characteristics of society.

138. **Responsibility for Children**

Being a parent or foster parent includes a responsibility for the children while they are not capable of taking up responsibility for themselves. They should receive care, protection, and education, followed by independence, typically in late teenage years, without obligation to repay for anything received prior to independence.

A child is created by a voluntary act (except for rape), so the parents acquire a responsibility for that creation. Once out of the womb, whether natural or mechanical, a child is a person, though with many years to go through before becoming an independent person. As a person, the child is entitled to life, liberty, and property.

Children should be given an education, at a minimum, sufficient to allow them to function as adults within their society—this is a parental responsibility. If parents fail to provide an adequate education for a child, then his education becomes his own responsibility as he becomes an adult.

Being in a free society does not mean that parents are free to exploit, injure, or neglect their children. Those conditions are a failure of responsibility, and possibly criminal acts.

In his book on morality, *The Ethics of Liberty*, Murray Rothbard shocked many readers by arguing that a mother cannot morally be forced to feed or otherwise sustain the life of her newborn child. To force her to do so through the threat of violence or intervention would itself be morally impermissible. Rothbard did not inject into the situation the ability of any person to defend any person in a free society. If a mother decides to starve a child, any other person can intervene to defend the child, even to the extent of removing the child from the mother.

In the world as it exists, hardships exist, even quite extreme ones. Hardship can cause a child to be given up for adoption, but not literally abandoned and left to die if means exist to preserve the life. Abandonment unto death of a child is a crime except under extreme circumstances where sustaining nourishment is not available, or in the case of a severe medical condition.

External intervention in a family to protect a child can be justifiable in a free society. Consideration of intervention should include both near-term and long-term effects upon the child, which is influenced by the age of the child at the time of potential intervention and the strength of the child's psychological bond with the parents. Intervention would be based on the type and magnitude of a threat.

Where parents are seen to be failing their responsibilities, social pressure and counseling are generally the best first steps to take by those seeking correction of the problem. However, in severe cases, such as sexual abuse, children should be immediately removed.

Any child who, for valid reason, asks for asylum from his family should be given asylum with caring, responsible people.

Chapter 9

Living with Equal Respect

Equal respect is a necessary part of the Principle of Equal Freedom. Without it, there can be no functional principle.

The conditional clause of the principle is itself a principle for personal behavior: do not interfere with another person's freedoms. This applies directly and indirectly. A person is not to interfere with another by his own actions nor through a third party, such as a political government. A person in a free society adhering to this personal principle can expect to receive the same respect (which does not say that transgressions will never happen).

The word *respect* has several definitions, so some clarification is essential. Three of the common definitions are applicable here. They are: 1) to refrain from interference, 2) to show deference, and 3) to hold in special regard or esteem, which might be referred to as respect-1, respect-2, and respect-3 (respectively, of course). All of them are pertinent to living in equal freedom.

139. **Freedom Is Simple: Respect**

The word *respect* is the subject of the conditional clause to the main statement of the Principle of Equal Freedom. Respect-1 establishes freedom within a society.

It means to respect another person's life, his ability to exist without harm or interference. Respect his liberty, his ability to live as he chooses while acting in a moral manner. Respect his property, his ability to use, control, and enjoy his property.

Freedom for individual and society is that simple in concept.

140. **Noninterference**

Noninterference, respect-1, is an essential active ingredient of the Principle of Equal Freedom. It

is the respect that must be extended to all morally-acting people in a free society.

Noninterference applies to a person's life, liberty, tangible properties, and intangible properties.

A person who goes through life focused on the degree of respect he receives will not be focused on the respect that he should be according to others. Robert G. Ingersoll remarked, "When all men give to all others all the rights they claim for themselves, this world will be civilized."

Nearly every sane person wants freedom of action for himself. For this reason, nearly everyone wants to see the first part of the principle empowered, at least for himself. The second part of the principle, the conditional clause, is the difficult part. People as a whole are not willing to allow others to exercise full freedom, even if exercised in a responsible manner. This is why no society on Earth lives according to the Principle of Equal Freedom.

The principle cannot be implemented by striving for the first part of the principle. It can come about only if people strive to implement the conditional clause. That is also sufficient.

Attempting to secure freedom for oneself is not going to be successful if all others in the society refuse to allow the individual to have it. On the other hand, if a society is structured so that each individual extends freedom to others, then all members of the society will have their freedom.

Granting equal freedom and opportunity affects the status quo. This means that a society of equal freedom will be a dynamic society not subject to a rigid stasis that protects the status quo.

It is important to note that the society must be so structured through its operating rules. We know that there are always present individuals who are not interested in respecting freedom of others. If the society is structured so that these individuals cannot interfere with the freedom of others, or at least transgressions can be quickly repaired, then all members of the society will have their freedom.

Noninterference can be observed passively or actively. Passively, a person concerned with noninterference for others takes care to assure that he does not create interference with the freedoms of others. Actively, he is ready to intercede to help assure that others can proceed without interference from other sources.

Total freedom can exist only in a society of equal freedom. The society provides the assurance that no external constraints will be placed on the individual. The individual will then be completely free if he does not shackle himself with mental chains of his own making.

To implement the principle, the members of society as a whole must be willing to grant to others the condition of freedom.

141. **Deference**

Deference, respect-2, is a social lubricant, reducing the friction that exists within societies. Ideally, it would be widely given, with all people usually being assumed to be worthy of it until proven otherwise. It is not an entitlement, but something voluntarily given. It is not necessarily given equally to all.

Deference is more than a social courtesy. It shows that the recipient, even though possibly a stranger, is valued as a person by the one extending the deference. If the recipient is a stranger, it shows the deferring person is assuming the recipient is worthy of the respect.

If a person habitually shows little or no deference to others, then he probably places little value on the lives of other people. This person would likely experience little deference toward himself by others familiar with his nature.

142. **Esteem**

Esteem, respect-3, is something given to individuals who have earned it, and is a kind of compensation for accomplishment. Being earned, it is not equally given.

Esteem is the highest form of respect a person can acquire. It usually strongly affects one's self-esteem. In a society without a strong sense of values that are important, however, it becomes confused with faddish adulation.

Since esteem cannot be required or demanded from others, it must be earned by positive accomplishments (outside of criminal subsocieties), which provides benefits to others and society as a whole.

143. **Concern for Others**

Respect for others is related to concern for others. This includes concern for the protection and well-being of others.

A society of equal freedom can only be based on members protecting the freedom of others, done vigorously when needed and according to the principles that enable the society. Each member must guard his own freedom, but he should also be supported by the other members of the society and protected by the operating rules of the society.

The well-being of all morally-acting people should be a matter of concern for the members of a society. They should be concerned that capable people have opportunities to earn honest livings for themselves. If some people are temporarily or permanently unable to earn a living and they have been unable to secure insurance or assurance contracts to protect themselves, they should be subjects of concern from more well-off members of society.

A concern for the well-being of others should be expressed through voluntary actions. If *A* is concerned for the well-being of *B*, *A* can contribute to *B*'s welfare and can encourage *C* to do so as well, but *A* cannot coerce or defraud *C* into helping *B*. *C* must make his own decision in the matter. In a complex, free society, voluntarily supported agencies can provide aid to people.

Unfortunately, human psychology can hinder the extension of equal respect. We appear to have an innate difference in responses to members of in-groups as opposed to out-groups, such as family, tribe, corporate community, clique, and religious groups versus nonmembers. This behavior is pervasive throughout society, in social groups of all sizes. It has effects harmful to people even in purportedly egalitarian societies.

We also have a desire to impose conformity on those around us, which can be expressed as the imposition of penalties on those who do not conform. This is clearly a lack of tolerance.

This psychological predisposition does not mean lack of respect is excusable—it means that conscious effort should be made to exercise respect.

Chapter 10

Living in Liberty

The Principle of Equal Freedom is a sparse code of conduct by itself. The statement of the principle with its corollaries could form the foundation of a free society. With the addition of customary, consistent interpretations in a society, the society would have a rational system of ethical behavior sufficient for the successful and just functioning of the society. The many thousands of rules found in the federal laws, local regulations, and tax codes of a typical nation are not necessary in a free society. In fact, in a free society there are no coercive governments to create such laws. Each free society will establish its own customs, conventions, and interpretations, but will have no body of legal statutes.

144. **The Individual and Society**

People appear to be universally concerned with what constitutes acceptable behavior in their society and what should be regarded as criminal, anti-social, and socially harmful activity. The acceptable behaviors, which range from the rational to the bizarre, tend to characterize the societies. Quite typically, members of societies have strong desires to impose their opinions of what is good behavior upon other members of their society—which, quite typically, is a wrong and immoral imposition.

Acceptable behavior has been a historical mix of stateism, religion, superstition, and personal advantage (people have an enormous capability to decide what they want, then invent reasons why society should operate in such a way as to provide them the personal advantages they want). Little or none of it is based upon principle. In a free society, an individual is likely to form his opinions of others by the underlying principle in deciding whom he will associate with.

The individual is at liberty to follow any belief system that he wants provided it brings no direct and immediate harm to others. He is free to speak or publish as he wishes provided it

brings no harm to others.³⁵

Individuals in free societies can have their religious beliefs and even believe that kings and presidents are nice to have. However, they cannot impose those beliefs on others without thereby destroying freedom.

Living modes, as with other actions, need to be consistent with the principle to be acceptable in a free society. All voluntary cohabitation arrangements among adults are legitimate if they are compatible with the principle, in particular not causing direct harm to others outside of the arrangement or to children within it.

The individual is free from threats, harassment, and imprisonment by coercive police. The morally-acting individual is free from arbitrary constraints. He is free to engage in personal activities that cause no harm to others.

A person who understands liberty knows there is no such thing as a free lunch. His self-respect and independence make him want to pay his own way and to meet his obligations to others. He is self-directed in meeting his responsibilities. And above all, he lets others live their lives as they choose, as long as they are reciprocating.

A free society necessarily has a free market, so people can engage in commerce as they wish while respecting the rights of others. There are no taxes to pay, so their income is theirs to use as they choose.

A free society has no State, therefore no State-defined and controlled boundaries. The individual needs no passport, no visa, no work permit. He can move throughout the region of the free society without hindrance while respecting the lives, liberties, and properties of others.

Since a society is not an incorporated body, it cannot participate in contracts with individuals. People establish contracts with other people and with incorporated or proprietary organizations as a matter of their own choice. Since there are no contracts between the individual and society, the individual has no specific obligations to society.³⁶

The factors of principle, property, and contract can, and should, define what constitutes acceptable and moral behavior in a free society. Therein lie the obligations of the individual and the limits of his exercise of liberty.

145. **Principle**

Liberty is the exercise of volitional self-direction. In earlier chapters, the ability to gain some degree of freedom in unfree societies was addressed. Here the issue is, if freedom exists in a society, how people should live to enjoy and maintain that freedom. Enjoying liberty entails responsibility and respect along with the ability to direct the course of one's own life.

The Principle of Equal Freedom as stated in this work provides the greatest possible liberties to people within a society. Any truly free society will follow that principle or some equivalent

³⁵ Issuing a negative opinion about another is normally considered to be a harmless activity, but providing false information as truth that causes identifiable harm should be considered unacceptable behavior and a potential case for restitution.

³⁶ Where a State exists and the individual has entered into no specific contracts with the State, he has no specific obligations toward the State; he only has to contend with the coercive rules of the State.

statement. If a statement of principle underlies a free society, then people have a principle to turn to for resolving conflicts between people regarding the extent of their liberties.

The only fundamental obligation to others in an environment of freedom is to respect the rights of others to live their lives as they choose and to respect their properties—everyone is entitled to life, liberty, and property. A person respecting the life, liberty, and properties of others is living in a moral manner.

However, each person should go beyond the passive situation of avoiding interference with the freedom of others. It is in his self interest, and should be considered a moral obligation, to act if he observes one person make a transgression against another.

There is a validity to the statement that if one person suffers loss of freedom, then no one else can be totally free. When one person has lost his freedom in some manner, then there is a mechanism in action that can also be directed against others, so the others are not free of the menace. Unless they are uncaring fools, people who are knowledgeable of a transgression will have lost some of their own feelings of safety and tranquility.

It is then in everyone's best interest to see that freedom and justice are maintained for all. If that is done, then peace should follow.

146. **Property**

Moral action cannot violate property rights. The owner of property, whether tangible or intellectual, determines how his property is to be used—scientists, inventors, equipment owners, and land owners determine how their respective properties are to be used. This gives the owners the right to disallow uses of their properties that are contrary to their preferences and personal ethics, and protects their ability to earn their living from the properties that they create. They cannot, however, prevent others who independently create the same kind of property from using *their* creation as they see fit.

A society functioning under the principle with effective noncoercive governments will protect all kinds of property, including intellectual properties that primitive capitalists hold in such low regard. Inventors and artists should have far less to fear from those people than in contemporary society.

If a non-owner of a property does not like the intended use of a property belonging to another, then that person, by himself or in association with like-minded people, could buy that property and use it in the manner they see fit. This moral approach can serve to protect wilderness areas or to prevent developments inconsistent with others in a neighborhood, as examples.

In some cases, the buyer of a property agrees to terms in the purchase contract that limit the use of the property. The buyer is then bound by the terms he voluntarily agreed to.

Some people object to the concept of covenant agreements that extend in perpetuity on landed properties. This objection can be met with covenant terms that extend for certain periods, which might be centuries or millennia, and then expire unless extended for additional periods by the current property owners. In a case where a seller must sell a property bound in covenant, but nearly everyone seems to agree that the covenant no longer makes sense and no one is willing to buy the property with the covenant attached, the seller might find a recognized, competent jurist who rules that a *force majeure* exists and the original covenant terms can be set aside in the sale

of the property.

147. **Contract**

A valid contractual agreement provides a mutual exchange of benefits and is neither coercive nor fraudulent. The terms of a valid contract are not arbitrary since they were voluntarily agreed to, so a valid contract can require a person to act, or not act, according to the terms therein. Failing to adhere to a contract without a *force majeure* could be deemed a deliberate damaging action, and possibly fraudulent or criminal behavior.

There is typically a wide range of implied and explicit contracts for individuals to observe. Most of the implied contracts are simply the normal social customs of a free society, while the explicit contracts are those that the individual has chosen to enter into.

148. **Moral Action**

Principle determines what should be acceptable and moral behavior in a free society. A person living with respect for the lives, liberties, and properties of others is living in a moral manner. A person who acts to take the properties of another, or who supports a third party acting to take the properties, is acting in an immoral manner. The same is true with lives and liberties at stake.

Defensive actions to protect self or others is moral action, whether an attack is in progress or obviously impending. If a person has been directly harmed by another, he may not take acts of revenge, which only compounds the crime, but he can take acts that lead to restitution for himself.

Voting on whether or not an action is moral does not determine the morality of the action—that determination comes from principle. However, in a free society it might not be clear whether or not some specific action is consistent with principle. In that case, a consensus of jurists could yield an interpretation that becomes standard within that society.

Moral action is consistent with the Principle of Equal Freedom, allows equal rights and freedoms of others, and brings no direct harm to others who are not informed, consenting adults. If informed, consenting adults are harmed by some person's actions, then there might be cause for restitution, but the action is not necessarily immoral or criminal. Deliberate harmful action, and perhaps wilful negligence, could be deemed criminal, but unintentional harm would not. Harm should be deemed repaired if prompt and full restitution is made.

149. **Accomplishment and Compensation**

People perform work for three basic forms of compensation:

1. Self-satisfaction: doing work, creating something, for one's own valuation of the accomplishment
2. Recognition: acknowledgment by others of the work's quality, magnitude, and value to others
3. Monetary payment: on which to live, build one's own wealth, and to participate in the

economic value that was added to a product or service.

The concept of *value* appears in each of these descriptions.

In the free market, the marketplace rewards those who create things that others place value on, such as new, useful products or existing products that fill a need. The key concept is *created value*—products and services that are of value to others. The free market is not a meritocracy. In America and probably most other Western countries, one has to work for the government or government-mimicking organization to receive merit pay. The market rewards created value, regardless of the level of education of the creator.

The Principle of Equal Freedom requires respect for the properties of others. Those properties cannot be used except in accordance with the terms of the owner, which applies to intellectual, tangible, and estate properties as well as the use of a person's time.

The use of a person's properties, in their broadest sense, without meeting the owner's terms of compensation in all categories of compensation constitutes theft or abuse of the owner's properties, and is therefore a violation of the Principle. The owner, but only the owner, has the prerogative of foregoing compensation in one or more of the categories of compensation.

In addition to compensation, the owner might also attach terms of use that must be met to be in accord with the Principle.

In a society of equal freedom, a person can be assured of compensation for his work, within the realities of the marketplace. It is always possible for a person to create products for which no market exists, in which case he would receive no monetary compensation. He can also value his time and skills beyond market rates and find himself without a job and without income.

A person is at liberty to apply himself to those things that interest him and to those things that of necessity he must do to earn a living. He is at liberty to name his compensation for his work and properties, but it is his own responsibility to be compatible with market rates and to be in accord with the equal rights of others in entering into contracts.

A primitive capitalist in contemporary society generally recognizes only tangible property rights and only money as a measure of value. He typically believes that ideas are a-dime-a-dozen and float freely through the cultural system to be used without acknowledgment or monetary compensation. He regards a person who works for anything other than money as a fool or a socialist. He typically considers moral and ethical behavior to be that defined by law, but he does not mind circumventing law himself.

Contemporary society has an abundance of primitive capitalists; they will exist in a free society as well. As long as they act in a moral manner, their sense of values should not be a problem for others. If a person wants to measure the successes of his life only in terms of wealth, that is his prerogative—he might be creating valuable benefits to others while taking a narrow measure of his own life.

150. The Free Market and Capitalism

The free markets that will exist in free societies provide the best possible opportunities for people to seek satisfying employment and to create their own businesses. A person can create a business that provides a product or service valued in the marketplace, and use his own resources or

resources provided by others to operate the business—that is the essence of capitalism.

Capitalism is essential for contemporary society and for society as far into the future as I can imagine. Its implementation will change across time as technology, general wealth, senses of values, and other factors evolve, but its core feature of accumulating capital to create products, services, employment, and wealth will continue indefinitely.

151. **Resolution of Conflicts: The Primary Resolvers**

The moral resolution of issues between people can usually be determined by two primary resolvers. While they are effective in perhaps nearly every case, their application might be sufficiently complex to require a skillful counselor or judge to achieve a fair resolution.

The two primary resolvers are:

1. What is in the contract?
2. Whose property is it?

Contracts can be written, spoken, or implied types. While written contracts are the most definitive type, even they might be difficult to resolve in specific circumstances, especially if they are poorly constructed. Spoken contracts are subject to the memories of the parties involved and any witnesses. Implied contracts are the most numerous type and possibly the most subject to challenge. However, in a society making use of the Principle of Equal Freedom, people ought to receive some education regarding the principle and have a good understanding of implied contracts and the resolution of related issues.

If a conflict exists between people, then almost certainly some kind of contract exists between them, even if no property is involved. If not a written or spoken contract, then an implied contract can probably be found based on common law³⁷ in their society or other reasonable expectation.

Contracts define a broad range of relationships, including business relationships, marriages and other love relationships, friendships, and even casual encounters. The latter of these rely heavily on implied contracts.

Contracts define rights and obligations, according to their terms and conditions, among people and corporate entities. Conflicts are minimized when these rights and obligations are clearly defined and well understood by the parties.

Many issues can be resolved by application of the second primary resolver for determination of the proper owner of properties, where properties are part of the issues. Note, however, that contractual issues might have to be settled before it is clear who the proper owner of a property is. Once proper ownership is established, then title and control clearly reside with that owner, subject to contractual terms and conditions that might apply, such as liens and leases, as examples.

³⁷ Common law is not to be confused with fiat law, which is generated by some coercive government.

152. Privacy

Privacy is an important factor in assuring liberty and protection of property for oneself. In a free society, one can take up as much privacy as he wishes without fear of penalty from coercive authorities. Although a free society provides a much safer environment than a coercive society, the maintenance of some degree of privacy should be considered essential for one's safety.

Respect for the privacy of others should be a priority among people who value freedom.

153. Life Benefits

The quality of life for the individual is at a maximum in a free society. Businesses are at liberty to offer a wide range of goods and services, and the individual is at liberty to choose among those goods and services without imposed restraint. The benefits include:

- Insurance and assurance companies to provide protection and compensation against adverse events
- Medical and bioengineering services unconstrained by the religious beliefs of others
- Maximum life spans with advanced medicine and unrestrained availability of treatments
- Maximum wealth-building opportunities for all
- Quality, non-fiat money with choice of currencies
- Freedom to live and work wherever the individual chooses.

154. Perpetual Trusts and the Long Term

In contemporary society, the States require that one's estate be passed on to other living people, with the States taking a substantial part of the estates as they are passed on. If not passed on to others, then the States confiscate all of the estates. The only way to avoid this confiscation is to establish costly trusts, which themselves remain under the scrutiny of the States.

In free societies, people can pass on their estates to others as they see fit and without partial confiscations by States, or they can choose to have their estates continue on in the form of a trust, a company, or some other arrangement.

155. Protecting Liberty

The ultimate responsibility of the individual living in liberty is to protect that liberty. There are many ways in which he can do this, including supporting protective organizations and by preparing himself for defensive actions.

Threats to life, liberty, and property range from the street mugger and home burglar to an invasion by a State. Members of a free society should be prepared for defense or be prepared to lose their freedom.

A free society can, and probably should, follow the Swiss model to an extent. Military and other defensive training would be available for all, but voluntary in its implementation. If necessary, an automatic rifle could be kept in every home; an armored vehicle and heavy

weapons could be kept in every neighborhood.

In this way, the individual is prepared to defend home, self, family, and neighbors, acting on his own and with the support of neighbors.

The individual can participate in local fire companies, police, and militias on a voluntary basis, in a part-time manner if he so chooses. Those militias would be marshaled for external and internal threats, and the individual would voluntarily participate in the defense of his free society.

PART 3

THE ROLE OF NONCOERCIVE GOVERNMENT

Chapter 11

The Nature of Noncoercive Government

The structure of contemporary society has been seen in the previous chapters to not be consistent with the Principle of Equal Freedom. Full individual freedom does not at present exist anywhere on Earth. A natural topic of interest is what society would be like if the principle were fully implemented.

This third part of the book provides a description of the structure and functioning of society, components, institutions, organizations, and groups under the assumption of a full implementation of the principle. What is presented are the structures and functions that are compatible with the principle, and those that would not exist because they are incompatible with the principle. This is not prediction, but is a description of possibilities.

Proper government has the purpose of protecting people from coercion and fraud in their myriad forms, from their many sources. All types of properties are subject to that protection: lives, liberties, and estates.

Noncoercive government consists of institutions, organizations, or agencies that provide protection and assurance of freedom without use of coercion or fraud. Government must abide by several limitations on its ability to act if it is to remain compatible with the Principle of Equal Freedom, including:

- It cannot coerce customers into subscribing to its services
- It cannot use coercion in implementing the services it provides
- It cannot enforce any monopoly.

Transgressing any of these limitations constitutes applying coercion to people, violating their freedom and breaking the principle. Government acting in accord with the principle is necessarily noncoercive, and it must act within these limitations as part of remaining compatible with the principle.

The clients obviously must reside in or in some manner be in the region where their selected government can provide its services. Individuals contracting for the services could be called clients, customers, citizens, or other. However, they cannot have a governmental citizenship forced upon them: They do not belong to a government.

Corporations, other organizations, and created entities can also be clients of governments. Fundamentally, there is no difference in the governmental services provided to a person or a created entity. In practice, there would be some differences in the nature of the services driven by the different natures of the clients.

Contemporary States have expanded their activities far beyond what they were even a century ago, and far beyond the simple protection of lives and properties. They exist upon a basis of coercion in nearly every aspect of their activities. Therefore, the activities of contemporary States do not provide a valid model of what noncoercive governments would be like. Some limited subset of State activities correspond to the services that would be offered by noncoercive governments.

A State is an ownerless corporate entity that exists outside of the set of laws it creates. States typically have a constitution or charter that states that the respective government exists and has certain powers to create and enforce laws. The States then create sets of laws that control all people, organizations, and activities within their domains. Not uncommonly, States seek to extend their powers beyond their borders and even to extend their borders. In many contemporary States, law makers and enforcers are given immunity from the laws of the State.

In contrast, a noncoercive government is an owned corporate entity that exists under the same principle or set of principles as the society in which it exists. A noncoercive government under the Principle of Equal Freedom cannot take any powers to itself that are not also held by every competent person and organization within the society. *These governments do not create laws*—they can only interpret the principles of the society and provide protection for people according to the principles and contracts with their clients. This is a profound difference from a State, one that affects the fundamental nature of society.

A noncoercive government, like any other proper corporation, exists to provide services to an individual that he cannot or does not want to provide for himself.

As may be seen in the following chapters, in some areas there is not a clear distinction between a noncoercive governmental agency and a service organization. What matters most is that needed services exist—how they are categorized is of much less importance. Perhaps a determining parameter is the ability of an organization to exert control, which of course would be noncoercive, over society or groups. Thus a police agency and a registrar of identities and properties could be called governmental organizations, while a fire protection organization would not be called one. A strong advisory agency, such as a center for disease control, might or might not be considered to be a governmental agency. Or, the word *government* might eventually fall into disuse, leaving behind only the word *noncoercive*.

The study of government would be better named governmental science, not political science. Apparently the people who named political science could not comprehend the concept of nonpolitical government. Governmental science is naturally a subsience of sociology.

156. Objectives of Noncoercive Government

The proper objectives for all governments, including States, can be summarized as three items:

1. Assurance of freedom through protection of lives, liberties, and estates
2. Attainment of justice
3. Maintenance of peace.

People who accept governments with other objectives are fools and victims.

These are the overall objectives that must be strictly met by noncoercive government in a free society. Each governmental organization within the society should remain consistent with the objectives, but the various organizations will likely focus on more limited objectives for themselves.

Any organization or agency that takes as its functional objectives some or all of the above three items is herein considered to be a governmental entity.

Registrar agents, for example, have as their primary objective the protection of identities and properties through registration, but are unlikely to provide justice and peace-keeping services. Registrars or similar credit-reporting agencies would rate people on their adherence to contracts by recording complaints of contract defaults and keep records of their criminal acts. Thus even in a large society, unlike a small town where everybody knows everybody and their reputation, a person's credit worthiness and reputation could be available to others considering an association with the person.

In a broader context, these should be the objectives of all governments. When the State was established in America, these were essentially the objectives in mind among most of the founders. What happened in the US in the following centuries is common to all States: The primary objective became the supremacy of the State, to the diminishment of freedom, justice, and peace for the people.

In contemporary society, political governments have taken up many additional functions, some useful and some simply exercises in coercion. The useful noncoercive services can be provided by nonpolitical organizations. The skeptical reader can challenge himself by thinking of services currently provided by coercive government and seeing if there is any manner in which a private organization could also provide the service.³⁸

157. **Some Characteristics of Noncoercive Government**

All governments can be divided into the two classes of coercive and noncoercive. A noncoercive government cannot extend itself beyond the noncoercive implementation of the three objectives described in the previous section. Other governments are coercive, including so-called minimal States.

Noncoercive governments can apply force, which is influence to cause or prevent actions, provided it is consistent with the principle when doing so.

Noncoercive actions are not the same as nonviolent actions. Noncoercive governments must be prepared to apply violent force to protect people from criminals.

³⁸ There is, of course, a wide body of literature on these services, dating back into the early 1800s.

Noncoercive governments cannot create arbitrary rules based on religious or other sources outside of the principle. However, an owner of properties can define how his properties may be used by others, and those rules can be enforced by noncoercive governments.

Governments that operate consistent with the Principle of Equal Freedom will typically have the characteristics of being private, proprietary, contractual, and noncoercive. These can be summarized as:

- Private: not public, nonvoting in general, but can have open ownership as with a joint stock company
- Proprietary: definite ownership
- Contractual: having a specific contractual, therefore voluntary, relationship with clients
- Noncoercive: operates in accordance with the Principle of Equal Freedom.

The kind of government discussed here has probably not been employed before in human society, certainly on any substantial scale. It is noncoercive, nonpolitical, and competitive, not monopolistic. Citizens have a free choice among the governments available.

A certain form of government was used in the early years of the New World and was called *proprietary government*. It was a form of monarchy and is nothing like the type of government being discussed here. That government was based on a European king claiming part of the New World, then giving a large land grant to a favored person along with the right to run his own government under sponsorship of the king. The owner became a minor king in addition to being owner of all the subject land. This type of government existed in some of the American colonies and in the Caribbean area. It was usually an unpopular type of government. William Penn, of Pennsylvania, was one of those minor kings.

Some contemporary governing organizations, such as homeowners' associations, are sometimes called *private governments* because of the power they wield over their tiny fiefdoms. These are also *contractual governments*, but the subject homeowners might not have any ability to escape from the contracts when conditions become bad. These organizations can be prone to all of the pettiness, arbitrariness, incompetence, and corruption of city and county governments if the people in them are not guided by principle. Other forms are neighborhood associations and the managerial systems used by some developers.

Many of these are not in actuality private governments even though they are referred to as such, unless they provide protection for their clients. If they own and maintain streets, sidewalks, water, sewage, or similar utility systems, they are not governments—they are services organizations.

Noncoercive government could be called *proprietary*, *private*, or *contractual*. Unfortunately, these words can carry with them connotations that are contrary to the nature of the government being discussed. I prefer to call them *proprietary* because that is one of their key characteristics, but it should be remembered that these governments have nothing in common with the type that centuries ago was also called proprietary government, but which was actually a form of monarchy.

158. **Sovereignty**

Where political, and therefore coercive, governments are involved, the common meaning of *sovereignty* is clear: the top-dog government in a region is the sovereign one. There is no definitive external control on that government.

The term *sovereignty* can be applied to a region with noncoercive, and therefore nonpolitical, government: If there is no external control on a region, that region has sovereignty. The concept of sovereignty, though, seems to have little utility in the case of a society of equal freedom. If a condition of equal freedom exists in a region, then there is no coercive government controlling the region. Every noncoercive government, the whole of the territory, and the people themselves enjoy a condition of sovereignty.

When the concepts of *monarchs*, *prime ministers*, and *presidents* are retired from everyday application, the concept of *sovereignty* might also be retired as an irrelevant holdover from more primitive times.

159. **No Governmental Monopolies**

Contemporary governments have enforced monopolies for themselves in a practice that extends back to the distant days before civilization began, when government consisted of the tribal chief and his supporters. Attempts to establish alternative governments are usually met with strong force intended to demolish the opposition.

In a society of equal freedom, no government can operate by coercion. It necessarily follows that no government can prevent a competing government from working in parallel with it in the same region. Monopolies by government are thus ended, as are all other types of monopolies based on coercion.

Without monopolies on regional coercion, the mechanism of creating wars does not exist. In the words of Gustave de Molinari, “Just as war is the natural consequence of monopoly, peace is the natural consequence of liberty.”

The early thinkers on the ideas of liberty, with very few exceptions, were not able to break away from the concept that coercive governments had forced upon peoples’ minds for millennia: that only one government can exist at a given level in a given region—government is naturally a monopoly and competition could not exist among governments. This does not hold. If a government exists to protect property and can exert no coercion, how could government remain a monopoly except by exerting coercion, which is obviously not connected with the protection of property? It could not, and thus, in a free society, it cannot legitimately prevent the formation of competing agencies.

A large free society is likely to contain numerous governmental organizations, each of which provides some range of services. Their ability to compete with and simultaneously cooperate with other governmental agencies is an important aspect of their business. Governmental agencies that compete well, but do not cooperate with other governments, would likely be a poor choice for a resident to subscribe to.

160. **Noncoercive Operation**

Governments in a free society cannot apply coercion in their operations without being in

violation of the Principle of Equal Freedom. Governments are under the same constraint as all other organizations and people in the society.

It is important to recognize that while coercion cannot be applied, force certainly can be. The noncoercive nature of governments in free societies should not be confused with lack of ability to protect and serve their clients. These governments can, if necessary, apply considerable force with advanced weapons. They can maintain armed forces on scales commensurate with the threats faced, and can call on citizen-clients to voluntarily participate in militias as needed. They can maintain armies, navies, air forces, space forces, and special police to protect their clients.

The application of strong, aggressive force, when justified by serious threats or attacks, is not coercive action. It is defense.

The first goal of noncoercive governments is to prevent attacks on their clients without engaging in combat. If the primary goal is not met, their secondary goal is to quickly and decisively conclude combat in a satisfactory manner. This applies to any scale of operations, from small police actions through defense of country.

As part of their legitimate operations to protect their clients, noncoercive governments will need to have a competent investigative ability to prevent and to solve crimes. However, this ability should not be abusive or unduly intrusive.

161. Free Association

We carry with us a belief that people subject to a bad government have a right to either overturn the government or to escape from it. If people choose to escape, ideally they should not have to risk their lives and give up their properties to make good their escape.

If multiple, competitive governments existed in a certain region and a client became dissatisfied with one, how simple and fair it would be if the client could cancel his contract with that one government and enter a contract with another. That is an enormous freedom to have, which would go a long way in eliminating corruption in government.

It necessarily follows that in a society of equal freedom, no government can acquire clients by coercion, nor by fraud. Every member of a society is free to change his client-government relationship to another government of his choice, and even contract with more than one government. He is free to establish his own government if he does not like the choices available. He is also free to cancel all of his client-government relationships and do without.

Voting for candidates for political governmental offices is a method of relief when there is no other method of relief from a government that is coercive in nature. In a free society, people can vote with their money and their feet. They can vote with their money by switching their client-government relationships to governments they feel are more suitable to their needs. They can also vote with their feet and leave any area where the governments are considered unsuitable and go to more favorable locations.

The choice of governments by an individual would typically be based on the individual's perceived needs, the nature and cost of the available services, and the reputations of the governments.

162. No Forced Citizenship

The concept of citizenship whereby a person belongs to one State or another does not apply in a free society where there are no States. There is no national citizenship in free societies, so citizenship does not exist as a functional concept in the sense meant in contemporary State-controlled societies. Free people can, if they wish, call themselves a citizen of a region or a society.

A person can be thought of as being a citizen, in a general sense, of the society in which he lives. This would change if he moves from that society to another, which he can do without having to gain any permission, and he can then be thought of as a citizen of that society, a status he gains simply by living there. No permissions or other legalities are involved.

163. Contracting with Noncoercive Government

A client-government relationship is specified by contract, ideally a written one that is highly explicit without obfuscatory legalistic verbiage. The contract should provide a clear statement of mutual rights and obligations. It should contain terms specifying how the contract can be terminated.

In a large free society, individuals should have a broad choice of governmental services from several competing organizations. Unlike contemporary societies, the governments would be asking people to become clients—imagine governments running advertisements to bring in clients—and people would be free to decline the services and association with any government.

In a complex free society, generally one covering a large population, clients of governmental services may need to choose more than one governmental agency to obtain the coverage they desire.

164. Ownership of Noncoercive Government

In a free society, anyone can establish and own a government that provides some range of governmental services. Few people in a society are competent to do so. Competence, integrity, dedication, and philosophy are some of the essential attributes of anyone wanting to establish a successful government in a free society. More mundane factors such as experience, knowledge of the subject, communication skills, and adequate working capital are also components of suitability of a governmental entrepreneur in establishing a successful government.

Since a large free society is likely to contain numerous governmental organizations, each of which provides some range of services, there are likely to be numerous owners. A single owner could own several agencies to provide a broader range of services.

Since these governments are not political organizations, but are forms of ordinary corporations, they might have open ownership of shares to enable the governmental corporations to raise capital, along with use of various debt instruments such as notes and bonds. Any debt instruments are to be paid off out of earned revenue—it should be obvious that no system of taxation exists for the government.

165. The Responsibility of Government Ownership

The owners and officers of governments in a free society have two primary responsibilities. One is to meet their contractual obligations with their clients. The other is to assure that their agency, employees, and associates work consistent with the Principle of Equal Freedom. They must also operate profitably to be able to continue their services.

Chapter 12

The Role of Government

The entry in Wikipedia on Gustave de Molinari gives a good assessment of his then radical thinking on private government:

Gustave de Molinari published a small book called *Les Soirées de la rue Saint-Lazare* (1849) in which he defended the free market and private property in the form of a dialogue between a free market political economist, a conservative, and a socialist. He extended the radical anti-statist ideas first presented in the "Eleventh Soirée" in an even more controversial article "De la Production de la Sécurité" in the *Journal des Économistes* (October 1849) wherein he argued that private companies could provide police and even national security more cheaply, more efficiently, and more morally than could the state.

His publication was followed only two years later by the publication of Herbert Spencer's *Social Statics*, where the role, even the existence, of the State was further challenged. This was a pivotal time in the theory of government, which unfortunately came too late to be included in the US Constitution.

This chapter addresses how society needs government and how government can meet those needs. Locke's purpose of government is protection of properties: life, liberty, and estate. He considered life and all of its aspects to be the inalienable property of the individual. We can do no better than this today: A person's biological existence, his body, his social existence, his liberty, his earnings, the creations of his hands, and the creations of his mind are all his properties.

The proper role of government consistent with the Principle of Equal Freedom is to help protect a person's properties, not to take away his properties and not to help him pursue happiness. All necessary governmental services can be provided by private governmental corporations that do not maintain coercive monopolies and do not impose coercion upon people.

These private governments provide their services under contract and operate in a competitive manner.

Companies that function to eliminate coercion and fraud from society are special companies. Even more so are those that can routinely employ force in the conduct of their operations to eliminate coercion and fraud. These are governmental companies. They have important differences from ordinary businesses.

166. **The Proper Role of Government**

The proper role of governments is to meet the objectives listed in the preceding chapter through voluntary contracts with clients and noncoercive operations. Properly acting government provides the services desired by their clients that also meet the objectives (again):

1. Assurance of freedom through protection of lives, liberties, and estates
2. Attainment of justice
3. Maintenance of peace,

while remaining consistent with the Principle of Equal Freedom.

Protection is meant in a broad sense, to include prevention of harm, identification of agents that have caused harm, and assistance with restitution in cases where harm was done.

The legitimate role for government is to do only those things necessary to achieve the goals so people and organizations can continue their existences on their own terms. Government cannot legitimately direct, manage, or interfere with their existences and moral activities.

Protection of life and property has often been held to be the only legitimate justification for the existence of government. Even among the earliest such assertions, government, in the form of the State, was recognized by Locke to be unnecessary if people could otherwise live secure from attacks. Since Locke's time, we have learned a great deal more about social systems, market responses, and the technology of protection.

In a free society, there is no State providing these functions. In the past, government has been considered essentially synonymous with the State and its local components. For a society without the State and its local components, some adjustment of the definition is necessary. One could say a free society has no government or, alternatively, that the agencies that assure freedom, justice, and peace form a system of government in the society. I think the latter approach is the most useful, so I continue using the term *government* in this sense.

For a quick and simple assessment of conditions in a society, we can say:

- Freedom exists when people are secure in their lives, liberties, and properties
- Justice is achieved when restorations are made and a condition of fairness exists (not when punishment is delivered)
- Peace exists when there are no wars and no violent crimes, nor immediate threats of any.

Government in a free society must adhere to the Principle of Equal Freedom, or equivalent statement of principle. This constraint leads to governmental roles much different than those that

exist under coercive governments.

In accepting Locke's premise that the legitimate role of government is the protection of lives, liberties, and properties, then government is an agency for the protection of these things. Therefore any organization or agency that protects property is acting as a government. In a free society, the boundary between what could be called a governmental organization and not becomes a fuzzy one, due to the multitude of organizations that could provide protection in various forms. Here, a government is considered to be any organization that under contract provides services that protect lives, liberties, and properties, primarily from intentional harmful acts of coercion and fraud. This does not mean that each protective action is necessarily under an existing contract, only that contractual arrangements are the normal mode of conducting business. Properties are considered in the broad definition given in the first chapter: all things, tangible and intangible, which belong to a person—his estate.

The following are some of the services that can be provided by proprietary governments. Use of these services in a free society is always voluntary.

Certification and protection of a person's identity. This includes certifications of births and corporate charters, providing secure and unique identifiers for individuals, and verifying identities of individuals.

Registration of properties. This includes intellectual, tangible, and other estate properties.

The services can include certification of ownership at the time of sale, and can provide registration of transfers of title. The registrations can include patents, trademarks, and copyrights. It can include registration of contracts, especially open (implied) contracts.

Adjudication. This includes adjudication of criminal actions, issuing findings of just reparations, and making settlements of disputes over properties or transgressions of liberties. It includes resolving contractual problems.

Protection against theft, assault, and other attacks against persons and properties. This includes active measures for prevention and services to solve crimes, recover properties, and obtain compensation or other forms of justice.

Protection of society from attacks. This includes the operation of armies and militia for defense against external or internal attacks by armies or other coercive groups.

167. Assurance of Freedom

Protection is an integral part of civilized life. It is needed for individuals, organizations, and society itself. Life and property are the subjects of protection at all levels of social organization. The threats are from natural actions, accidental volitional actions, and deliberate volitional actions. What we are concerned with here is the existence of a system of protection that can prevent or compensate for damaging actions, not the technology of handling specific threats.

Protection can be looked upon as another product in demand in the marketplace. The demand can be met by conventional market response.

In contemporary society, the common perceptions of protection are strongly shaped by what actually exists, which is protection provided by the State with a politically run monopoly

supported by involuntary payments by the population. In a society of freedom, protection can be provided by privately operated, competing organizations in all of the areas now controlled by the State.

In summary, protection of lives, liberties, and properties can be provided by governmental agencies, armies, militia, police, and citizens. They can all work to secure freedom for people while remaining consistent with the Principle of Equal Freedom.

168. **Protection of Lives**

All aspects of a person's biological existence can be subjects for which proprietary governments can offer services. Some examples are:

- Protection of a person's biological existence, typically threats to his life
- Health and disease agencies that primarily focus on identification and control of communicable diseases and other biologically harmful agents
- Protection of a person's body while living, while not competent, and after death
- Registration and protection of identities, personal and corporate.

Proprietary governments can function as police and military organizations to protect people from life-threatening attacks by coercive governments, warlords, bandits, and thieves.

The proper role of government is the protection of the people living under the government, yet all governments today attack and feed off of their citizens. A large part of the protection they offer is to ward off other governments who would also attack and feed off of the citizens in place of the government at hand.

Proprietary police and other organizations can provide thorough protection at lower cost than the State monopoly services. New modes of service can be developed under competition that the State organizations have no incentive to provide. Private police organizations are already in extensive use because of the inadequacies of the State organizations.

Registrars can provide protection for identities and properties. Births, deaths, marriages, establishment of businesses and corporations, trademarks, copyrights, vehicles, major properties, and many other items could be registered to help protect identity and ownership for people, done on a voluntary basis.

In these times of identity theft, the registration of individuals in a manner to assure their privacy while also guaranteeing their identities could be quite important. In transactions requiring the accurate identification of individuals, such as credit or debit purchases, registrars could play an important role by assuring the identification of the individual. Where identity theft has occurred, failure of a merchant to obtain conclusive identification for a credit or debit purchase could invalidate a charge against the victim. The victim's registrar could provide a verification that proper identification was not established, and thereby provide important protection for the individual. The merchant's recourse is then against the criminal, not the victim. The merchant can protect himself through insurance, leaving it to the insurance company to seek recourse. The insurance company then has incentive to protect the merchant from fraudulent and coercive operators.

169. Protection of Liberties

Protection of liberties means assuring people of their ability to enjoy moral activities.³⁹ It means government is to assure that morally-acting adult people and emancipated children are not coerced or defrauded into acting, or prevented from acting. It means that arbitrary⁴⁰ control cannot be imposed on people. Whether they are self-responsible adults or other, they are to be protected from coercion or abuse.

Governmental agencies are obligated by their contracts to protect the liberties of their clients according to the terms of the contracts. Those agencies can also act to protect people who are not clients, as can militias and individual citizens.

Slavery, being the legal ownership and/or coercive restraint of individuals for the benefit of others, is anathema to societies on the whole, yet flourishes even today across the planet. Eliminating slavery when it occurs on a small scale is difficult because it is tolerated by its many beneficiaries. Large-scale slavery is easier to identify and eliminate. Conscription for military service is a form of slavery since coercion is applied to conscripted individuals. Involuntary slavery and military conscription cannot exist in a free society—if they do, it is not a free society. Governmental agencies should act to prevent or end slavery and other abusive situations.

A free society can have cases of improper constraint or coerced servitude, which are criminal conditions that should be subject to correction by government or any other organizations or people acting on behalf of the victims.

Organized crime thrives on prohibitions. Alcohol prohibition in the US was another case of religious activists imposing their concepts of morality on everyone else by coercion. The results were a catastrophe. The experience with alcohol prohibition also applies to psycho-chemical street drugs. Coercive government and organized crime both thrive on this prohibition.

Coercive regimentation denies the Principle of Equal Freedom. This has two primary consequences. Individuals do not then have full freedom of action to establish their own well-being—this is an issue of morality. Society does not have full freedom to evolve so as to create greater opportunities for individuals and to create a stronger, more durable society—this is an issue of morality and species survival.

170. Protection of Properties

The protection of estate properties—intellectual, tangible, land, etc.—is a vital service to be provided by proprietary government. Property protection is not limited to government—the owner, relatives, friends, neighbors, or any other concerned people can provide protection. The advantages of using proprietary governments are their contractual vigilance, the strength of their

³⁹ It is important to remember that what is meant by moral action is action that is consistent with the Principle of Equal Freedom. It is not that which arises from religious or political sources. It is action that brings no direct harm to others who are not informed, consenting adults.

⁴⁰ The terms of a valid contract are not arbitrary since they were voluntarily agreed to, so a valid contract can require a person to act, or not act, according to the terms therein.

protection, and their professional competence (if these are lacking, the owner should look to another government for services).

Protection of property as a service would typically begin with verification of proper ownership and an assessment of how the property would be best protected. If there is an alleged infringement or misuse, the government should determine that the action has actually happened, then act to end the infringement or misuse and help the owner recover damages.

Enforcement of property rights must be noncoercive, but it can be forceful. Extreme situations could include physical removal of people and even the use of weapons. More moderate approaches would include public identification of the infringing person or organization, the nature of the infringement, and the magnitude of damages. An identification such as this could affect the person's reputation and his credit rating.

The protection of intellectual properties has special differences from the protection of tangible properties. Intellectual property can be kept hidden by its creator, or it can be used openly, possibly with formal registration. There are two objectives with the disclosure and use of intellectual properties: to avoid theft by others and to avoid interference with applications of legitimate creations by other people.

Intellectual property is presently registered by both private and State agencies. In a free society all such registration would be done with private agencies. Inventions could be registered with specialized registrars who might also manage licensing of an invention and handle royalties on behalf of the inventor. Being a form of property belonging to a person, intellectual properties cannot be taken away from the owner, thus copyrights, patents,⁴¹ and other forms of protection for intellectual property do not expire.

Theft of intellectual properties and misuse of licensing agreements is likely an area for investigation and enforcement by specialized agencies.

171. **Attainment of Justice**

The goal of a true justice system is arriving at an equitable, moral resolution of an injustice or conflict over contractual issues, property, or other matter. To accomplish this, facts, truth, and responsibility should be determined by impartial people with knowledge of the justice system.

Proprietary police and investigative agencies can gather facts. Judicial agencies can weigh evidence. Juries might or might not be involved in weighing evidence. Attorneys can represent the interests of their clients. While this sounds much like what exists in many countries now, these things are done under clear, moral principle, without coercion, and without reliance on fiat laws.

Proprietary justice should rely on principle, not fiat laws as does the State.

To have a society in which there is justice and stability against harmful disruptions, it is necessary to have freedom and self-responsibility. This means that individuals accept responsibility for all of their actions and contractual obligations. The society needs mechanisms for assuring that damages are paid for the attainment of justice for victims. This is a role suited for proprietary governmental agencies, among others.

⁴¹ Proper patents are registrations of inventions without rights of coercive monopoly.

In the contemporary world, the State hands out punishment, not justice, and leaves the victim on his own to try to gain restitution. Proprietary government should seek restitution for a victim and, in the case of criminal (intentional) damage, prevention of future attacks.

Whether damages were intentional or not can be difficult to determine without admission by the person causing the damage. Whether violent acts were committed or not is usually easier to determine. These factors are decided by the people acting in a judicial capacity, who might be professional judges, arbitrators, or trusted citizens.

The Fourth Corollary states that every person should receive restoration and repair of dislocations to his life, liberty, and properties from those responsible for the dislocations. The closest people can come to complete justice is to receive full restoration and repair of damages.

The priorities should be, first, to assure a victim's recovery from damages, and second, to do so with a minimum dislocation to a person causing unintentional damage. Achieving the first condition should be the burden of the person causing the damage. The correction for damages might most commonly be the payment of restitution.

An attorney, in withholding knowledge of guilt or responsibility, is obstructing the truth, and therefore justice. The moral obligation of a representative agent or attorney is to help assure a fair resolution for his client within a context of fairness for all other involved parties. His contract with his client should include disclosure of truths in the process of achieving justice for parties that have suffered damage.

Where damage is deemed to have been intentional, a penalty should usually be applied. This is a disincentive for intentionally damaging acts. Ostracism or removal of a criminal can result from a criminal act, but this is a matter of prevention of future attacks, not justice for the victim of the act.

Plaintiffs should make honest and accurate claims in a manner that would lead to prompt and fair resolutions. Defendants should be readily able to avoid, or have removed, frivolous claims and have inaccurate claims adjusted to reasonable amounts.

172. Adjudication

Proprietary courts and arbitrators can act to resolve conflicts that cannot be negotiated between the involved parties or their agents. Their findings can be taken by the parties and the general public as fair and just resolutions of the disputes, although appeals might be made to other courts. These adjudication agencies provide an important function in helping to achieve justice and assure compliance with the Principle of Equal Freedom. They can issue findings in a wide range of cases, including:

- Contract disputes – They can issue resolutions of contract disputes. The resolutions can be contractually binding on the parties.
- Property misuse and damage cases – They can issue findings of responsibility in property misuse and damage cases.
- Criminal cases – They can make findings of guilt in criminal cases.

- Restitution – They can make determinations of restitution due to victims. The courts can make assignments of liabilities and penalties as part the restitution findings.
- Stay-away orders – Publically recorded stay-away orders can be issued to help protect threatened people. Protective agencies and the public could assume that violation of such an order is strong evidence of an attack being made on the threatened person, which justifies force being used against the attacker.

Formal adjudication agencies and proprietary courts would take the place of State-mandated courts. Unlike State courts, proprietary courts and arbitrators do not have coercive authority over the parties involved. Judges cannot order people into jail for violation of legal statutes. However, they can make recommendations that a criminal be removed from society for the protection of members of society, in addition to their findings of what the criminal should do for restitution for his victim.

Arbitration as it exists in present society is a weak form of what it could be. It must now coexist with the politically-based judicial system and it accordingly suffers limitations in the development of its potential. People who use the arbitration system can still switch to the political system, even if they have signed agreements to abide by arbitration. If arbitration were the only system, people could not breach agreements to use it by going to the political system, and arbitrators would not have so strong a tendency to simply compromise to avoid being overturned in appeals to the political system. The arbitration would then be a stronger, and perhaps an even fairer, system than it is at present.

Individuals and businesses can independently sign open arbitration and ethics agreements, filed with a registration or credit record company. Customers and associates can agree with these terms before entering into a relationship or transaction. Proprietary courts can treat these documents as contracts between the parties.

Proprietary courts and arbitrators can exist in parallel with State courts where allowed. They provide alternatives to the coercive and arbitrary nature of State courts. Some countries currently allow the proprietary courts to operate to resolve some conflicts.

173. **Government's Role in Restitution**

Restitution for settlements of accidents and criminal acts is an important part of achieving justice in society. Proprietary courts, which, as defined here, are governmental agencies, are the highest, or most formal, agencies for adjudication and issuance of findings that restitutions are payable to a claimant.

Claims for restitution⁴² should be handled in a manner fair to parties that are acting honestly and making accurate claims and counterclaims. The burden of proof of a claim lies with the plaintiff. If a claim is rejected in adjudication, costs should be paid by the plaintiff. If restitution is awarded under adjudication, those costs should be paid by the defendant.

⁴² Claims for restitution would replace the coercive lawsuits of contemporary society.

Claims can be presented at various levels. A person suffering injury from another could present a claim directly to the person thought to be responsible (or to his insurance company). If no resolution is reached, the claim might be presented to some third party, such as a counselor or referee, for resolution. If no resolution is reached there, or if the claim is large or complex, the claim could be filed with a formal adjudication agency.

A proprietary court finding that restitution is due should make a definitive statement regarding that restitution, which might be publically issued, and should itself or by agent assure that restitution is made. Ideally, these courts should probably remain involved in monitoring the payment of restitution until the claimant is satisfied or the amount determined by the court has been paid.

Coercion is not an allowable approach for achieving restitution—there will be no county sheriff arriving to remove a losing defendant's properties. However, nonpayment of a valid claim for restitution, especially one validated in adjudication, leaves the defendant appearing to fail to live by the Principle of Equal Freedom. He could be subject to both social and economic ostracism for noncompliance, and might lose some forms of protection within his society.

174. **Government's Role in Ostracism**

Ostracism, or the threat of it, can be an effective method of getting people to repair dislocations that they have created but are reluctant to rectify.⁴³ The preceding sections showed how governmental agencies could act in adjudication to make findings of responsibility or guilt, and to recommend formulas for restitution.

If a person found to be responsible for some dislocation does not comply with those findings, governmental agencies monitoring the situation can make public notice that the person is not complying out of choice. The noncompliant person might then be subjected to some form and degree of ostracism. Effective ostracism could require participation by governmental agencies, corporations, and individuals in an effort to achieve justice for the victim. Governmental agencies could refuse to provide services, leaving the noncompliant person unable to register property transfers, unable to secure certain kinds of police protection, and without some other services important to his life. This could be complemented by corporations and individuals refusing to conduct business with him or allow him to access their properties. Credit-rating companies could also reflect his noncompliance in their ratings of him.

175. **Maintenance of Peace**

Maintenance of peace includes the functions of societal defense and control of criminals and criminal violence.

Individuals are responsible for their own defense. To secure their safety, they may join with their neighbors or other associates, they may form a militia, and they may subscribe to

⁴³ Banishment to Coventry was a method of punishment used by British kings. Ostracism, under the name of 'banishment to Coventry,' was used within the British military as a peer-imposed method of social control.

professional police and defense organizations.

Proprietary governments, through contracts, have obligations to protect the life, liberty, and property of every client, and should not interfere with the ability of a client to defend his own life, liberty, and property as well as those of others.

Defense must be established against possibilities of attacks by criminal gangs, warlords, and armies from coercive States that remain in existence.

In a fully free society, there are no political States. Without States, there are no mechanisms, or reasons, for conducting large-scale wars. The protection of individuals and corporations is then more of a police function, although some allowance for large-scale threats should be included in governmental planning. This is obviously the case when a free society faces external threats.

In a world fully free in some regions but under national States in others, there is a need for a defense system against the militaristic States, along with defensive capabilities against warlords and marauders. The need for defense was recently examined by the Friedmans who concluded that a national government for defense is necessary, primarily because of difficulties in financing a private defense system.⁴⁴ Their conclusion means that people should give up their freedom to a coercive State to reduce the probability of attack by another State.

Gustav de Molinari showed nearly two centuries ago that defense can be done without the State. The subject of private military defense has also been treated recently by others showing its feasibility.

Private defense systems actually have been used successfully in the past. There is a very long tradition of private forces, composed of volunteers and professional soldiers, assembled to meet specific threats. These forces predate civilization, and were used in the Greek and Roman civilizations. They were in use in Europe and in the United States during the War for Independence.

In times of threat, a society or country can obtain manpower from professional soldiers, militia and other reservists, police, and civilian volunteers. The British relied on such an all out effort during World War II in the Dunkirk evacuation and in preparation to resist an invasion of the British Isles.

The funding of defense, if done on a voluntary basis, would almost certainly be unevenly supported by individuals and corporations. However, this does not make the approach infeasible. Our defense is already functioning with strongly uneven contributions: Given the existing uneven application of the income tax, it already is the case that defense is supported by uneven funding from individuals and corporations. If uneven funding is a valid criteria for rejecting a social structure, then the State must obviously be abolished because of its uneven taxation.

Under a perceived real threat, people across history have contributed their own capital and services toward their own defense. Typically this has been done with uneven contributions from people equally able to contribute. The American War of Independence was certainly supported in this manner. The probable unevenness of voluntary support for defense does not make that approach infeasible. All that really matters is that sufficient capital and competent manpower be available.

⁴⁴ Friedman and Friedman, 1984.

Defense can be supported by direct contributions from individuals and corporations. The corporate contributions may actually be the most effective, since the contributions are then spread thinly across many customers. This could be most effectively done in certain industries, such as the auto industry. These companies not only sell to essentially the entire region, but have a lot to lose themselves if the region is ever attacked.

Another effective source of funding is from insurance companies that offer insurance against attack. This is the case of the Dutch experience, where the marine insurance companies sold insurance against attack and other losses. It was then cost effective for the companies to maintain their own fleet of warships to prevent attacks on their clients. Insurance companies have incentives both to prevent attacks on their clients and to do so without the waste that typically accompanies politically-supported military organizations. The insurance companies might establish their own protective organizations or support independent protective organizations that operate as army, navy, and air forces.

Switzerland likely has a greater concentration of wealth for its size than any other country in Western Civilization. It has remained free from attack as a result of nearly universal military training and arming of its population.

An interesting and informative case to contemplate is the conduct of World War II without the existence of the American State—there would have been no federal and no member States. It is a certainty that American industry would have supplied military and other goods to countries, especially Britain, that were attacked by aggressors. Individual Americans would have volunteered to join defending forces, which they actually did. American defensive organizations—private armies and militia—would certainly have contracted to assist the defending countries. Americans, without the burden of federal taxes, would certainly have contributed major financial support to countries such as Britain.

176. In Summary

Protection of lives, liberties, and estate properties of all kinds can be protected without the State or any other system of coercion.

Criminal violence by marauders and local criminal gangs existed in times from before civilization and will continue through the foreseeable future. Proprietary organizations can provide protection against the full range of criminal violence, with the same or better level of protection than that provided by political government's police and militia.

Police protection can consist of crime prevention, crime solving investigation, recovery of stolen properties, extraction of victims from harmful or criminal situations, and containment and termination of criminal violence.

In addition to police organizations, professional military organizations, militias, and individual citizens can all choose to help control criminal violence, just as they can all choose to help put out a fire or rescue mariners from a sinking ship.

Ostracism is also a method of defense against criminals. It can result in the physical and economic isolation of a person, or in his ejection from society. Proprietary governmental organizations can provide services that help isolate criminals. The physical isolation or ejection of a criminal from society can remove the possibility of the person, found to be a criminal, from

committing future crimes. A compulsive, violent criminal, at the extreme, might be jailed or executed, depending on the norms of his society.

In a free society, that is, one functioning in essentially full compatibility with the Principle of Equal Freedom, which some call an anarchistic society, the concept of government is much different from what we are familiar with in the presence of States. It could be said that the society has no governments. This was discussed earlier. The various functions of political government that relate to protection are taken up by proprietary organizations, which would be staffed by professional people or volunteers. Whether these proprietary, protective organizations are called governments or not is more a matter of definition. It is their functionality that is important.

Chapter 13

Societal Services

A free society has needs and requirements for non-governmental services within a system of noncoercive government. Obviously not all services and products can be treated in a single chapter, so the focus is on those services that are often taken up by coercive governments and those commonly provided by private sources, but which would have some significant differences in free societies. In some cases, services might be called either governmental or non-governmental with a somewhat arbitrary distinction.

There is not much difference in requirements for, and implementation of, services to support society between contemporary societies and free societies—the primary differences are in how the services are provided.

Where cases are described in this chapter, they are typically meant in the manner of providing examples of how needs can be met in a free society. It has been emphasized that free societies will not be identical—they will have their own needs and approaches, while still adhering to the Principle of Equal Freedom. The norms of one will not necessarily be those of another. After all, freedom tends to create diversity, not conformity or uniformity.

Generally, the functioning of a free society will be much like the functioning of the freer industrialized contemporary societies. The needs for services and infrastructure will be nearly the same. The major differences will be in the liberties of the individual and the noncoercive nature of the services available to him. Payments for services and infrastructure will be direct and voluntary, not through taxes and coercion.

177. Services and Infrastructure

Every essential service provided by coercive governments can be provided by proprietary businesses. They would do so with voluntary payments for services rather than through taxation. Competition among the service providers would provide choices for consumers in types of

services and costs.

All of the infrastructure in a free society would be owned by individuals and businesses. This includes streets, sidewalks, water distribution systems, sewer systems, electrical power, communications, and other utility systems.

178. **Free Markets and Societal Services**

The services will be provided through free markets. Without the presence of coercion, there will be no enforced monopolies to constrain choices and elevate prices. Free markets are not distorted by incompetent and corrupt government regulators.

Services will be offered in the absence of regulation and licensing to assure that competition is not artificially constrained. Regulation and licensing limit competition and reduce the number of products and services. An absence of licensing removes a major impediment to people offering goods and services. It also removes a false sense of security that coercive government is protecting people from fraud and poor quality goods and services.

Rating organizations, whether formal businesses or informal Internet sites, can help consumers make their best choices among service providers. Ratings by standards organizations, provider reputations, and diligence by the consumer are his defenses against fraud and poor quality.

As described in Chapter 10, businesses are at liberty to offer a wide range of goods and services, and the individual is at liberty to choose among those goods and services without imposed restraint. The benefits in societal services include:

- Insurance and assurance companies to provide protection and compensation against adverse events
- Medical and bioengineering services unconstrained by the religious beliefs of others
- Maximum life spans with advanced medicine and unrestrained availability of treatments
- Maximum wealth-building opportunities for all
- Quality, non-fiat money with choice of currencies.

179. **Replacement of State Agencies**

One can think of the massive contemporary State governments being separated into their multitude of functions that, if useful and noncoercive, could be provided by numerous proprietary agencies.

Some examples are postal service, air traffic control, maintenance of streets, registrars, criminal investigative organizations, and militias, but not tax collection or coercive enforcement of laws and regulations.

Considerable work has been done by free-market advocates who have shown how functions currently provided by political governments can be provided in a better manner by private enterprise. There is an extensive literature going back for more than two centuries describing the nature and functioning of free markets and how private organizations can replace State agencies.

180. **Standards and Ratings**

Standards organizations can maintain scientific standards such as the definitions of physical units and universal and local times. They can define production methodologies and functional standards for products. Underwriters Laboratory Inc. and International Standards Organization are good examples of such organizations. They can certify that enterprises and specific products meet those standards, and make that information directly available to people interested in those products.

Testing and rating organizations will have much larger roles in free societies than they have in contemporary societies where there is much interference by agencies of coercive governments. In large, complex societies, testing and rating might be done for nearly every major product and service available in the societies. These organizations replace the entire coercive system a State uses to oversee and control businesses.

Many countries currently have non-governmental ratings organizations, especially in the financial sector. These organizations provide ratings on business organizations that influence the financing of those businesses.

The standards and ratings organizations generally will be independent of the providers of products and services, and would likely focus on a limited range of subjects. Associations of providers of products and services can also take up this function in a specialized role for their industry. These industrial associations would likely be most effective when they provide customers with guarantees on the accuracy of their testing and rating. They could also provide backup guarantees to customers for cases where the providers fail to meet their own guarantee responsibilities. In this case, they would operate in the manner of a surety organization. Since these organizations have a financial responsibility for the proper performance of their members, they are likely to provide effective testing, rating, and monitoring of consumer satisfaction among their members—and likely to keep substantial pressure on their members to maintain quality and assure customer satisfaction.

In situations where there might be no testing and rating organization for an industry, consumers themselves can apply pressure on providers to maintain quality. Consumers can stop buying from poor quality providers, and they can inform other consumers of their dissatisfactions. People can create Internet sites to provide informal ratings and experiences of consumers, something already in limited practice.

181. **Insurance Organizations**

Insurance organizations provide loss compensation and loss-prevention consulting. Insurance services can be provided by insurance companies and mutual-aid associations. These organizations will have no restrictions on products imposed by coercive government, giving them the ability to more fully meet customer preferences and to experiment with new products.

A free society has no restraint of trade imposed by coercive government and no restraint on innovative products introduced by insurance organizations.

Insurance rating organizations can monitor financial strength versus risks taken up and other factors such as promptness and fairness of settlements and client satisfaction.

Protection against loss or unusual or heavy expenses is generally an insurance function. Typically insurance organizations do not provide active prevention services. An organization offering fire insurance, for example, might include advice to clients on how to reduce the risk of fires, but would not themselves provide a fire-fighting service. In a free society, fire insurance companies could become strongly involved in fire prevention activities, and might couple their insurance product with some fire-fighting organizations.

Insurance companies could provide both damage prevention and damage compensation services. Without State-imposed inhibitions, insurance companies can develop new insurance products and also replace those services that the States took up as they moved into insurance operations with such products as health, unemployment, and retirement insurance.

Health protection is already largely private in the United States. The industry in recent years has been undergoing an innovative evolutionary change as systems of private hospitals and clinics have begun effectively competing with hospitals operated by local governments.

All food, drug, and public health safety issues can be handled effectively by private laboratories, which could be supported by insurance companies, health care companies, drug companies, and food companies in the same manner that respected testing laboratories now operate in other product areas.

182. Assurance Organizations

Assurance is to make certain the coming of, or attainment of, certain situations, or, conversely, that certain situations will not happen. Assurance organizations have the purpose of assuring that things happen, or do not happen—the things being whatever they have chartered themselves to accomplish. They can be called corporations, companies, societies, or simply organizations. They all operate for profit, but in some cases for non-monetary profits. They are commonly operating organizations.

If a free country existed today, maritime assurance companies there could offer protection against pirates by private combat ships to supplement paying for their clients' losses. They could also help merchant ship owners add suitable armaments to repel pirates. The assurance companies could place contingents of gunners and marines aboard their clients' ships for additional protection if necessary. If at least one free country existed on Earth, piracy on the high seas could be a very hazardous occupation and an unprofitable one. The assurance companies could also take an active role in making certain their clients minimized the possibility of losses to storms at sea.

Fire companies, as another example, protect lives and tangible properties from damage or destruction by fire and some other potential catastrophes. Since they protect lives and properties, it could be argued that they are performing governmental functions, but I am more inclined to categorize them as assurance companies. They can serve subscribers and non-subscribers alike. Subscribers can make payments that are based on the lives and nature of the properties to be protected. They could be entitled to services without additional fees. Nonsubscribers requesting assistance could be billed for the actual cost of the service they receive plus a fee. A homeowner might choose to purchase ordinary fire insurance and then call a fire assurance company on an as needed basis.

Projects of many types could be guaranteed by assurance companies. The guarantees would take into account a wide range of conditions that might interfere with protected projects, including factors such as weather, construction and materials quality and suitability, availability of labor, deliberate interference from other agents, even bureaucratic interference.

Retirement and estate assurance would do much more than an annuity policy from an insurance company. A retirement assurance company could guarantee a suitable retirement financial condition for their clients, unlike a contemporary brokerage company that does not guarantee results. Unlike a passive annuity program, the assurance company could actively work with their clients throughout their lives to make certain their projects were remaining compatible with their clients objectives, which could change over time. Estate assurance would provide a guarantee that a specified minimum estate would exist for a client.

A key aspect of an assurance organization is its guarantee of a specified outcome. They take actions to help assure the outcome, and they pay compensation if that outcome is not met. Obviously a single company could provide both insurance and assurance functions in some areas of coverage. The two functions are similar, differing primarily in the active participation of the assurance business.

183. Health Maintenance and Longevity

A free society provides the optimal environment for health maintenance and longevity services for several reasons. There is no market distortion from government intervention in either hospitals and clinics or the pharmaceuticals industry. Treatments and medications are things decided by physicians and patients, not career bureaucrats. Physicians and hospitals are not subject to coercive and arbitrary lawsuits, which are known to increase the overall cost of health care and causes some shortages of physicians as they choose to cease practicing rather than pay exorbitant insurance fees.

Ratings organizations in the industry can rate physicians and hospitals for their skill levels, the availability of services, their levels of successes in treatments, and their responses to errors and other adverse outcomes. This allows consumers to make informed choices in health care.

Competition in a free market environment will expand services, bring down costs, and increase the responsibility toward the consumer. The absence of taxes and bureaucratic intervention will also reduce costs.

Hospitals and clinics can become health and longevity assurance organizations. In this roll, they provide services to prevent medical problems and enhance longevity.

184. Surety and Bonding

The English borhs were business organizations wherein members vouched for the good standing of other members, including use of performance guarantees. In this approach to doing business, the borhs had some characteristics of assurance organizations—a member would perform some work under contract, and the organization stood behind him to guarantee the results of his work. Because of the guarantees, the members could not tolerate a member who performed poorly under his contracts.

Similar organizations are useful in the modern environment, and in fact some do exist such as with a commodity trading organization that guarantees the settlement of commodity contracts by its members. The success of this approach results from each member agreeing by contract that his assets can be applied to settlement, enforceable by the surety association.

Bonding is a method of guaranteeing performance, where a contractor places a deposit with a separate organization that holds the funds in escrow. The funds are paid out to meet liabilities or to pay for substandard work that must be corrected. The bonding agency could include in its contracts provisions that payouts would be made according to findings by recognized arbitrators or proprietary courts.

Surety in the form of an organizational guarantee or by bonding provides strength to a guarantee made by a contractor. This provides strong benefits to customers and is more effective than coercive licensing by a State.

185. **Currencies**

Money is obviously an essential item in civilization. The issuance of acceptable monies is then an essential service.

States want a monopoly for the issuance of money because it gives the States strong control over the economy, and thus the markets, of their domains. We have seen in the past few decades all States convert from asset-backed currencies to fiat currencies. We also know from historical records that every previous fiat currency failed, causing great hardship for people.

In a free society, there can be no currency issued by fiat and forced upon people.

Where there is no coercive monopoly on the creation and issuance of money, anyone can create money. That does not mean that people will accept every currency in the market and use them in transactions. People will tend to use only a currency in which they have confidence of its inherent value and confidence of its acceptance by others.

The money with the greatest inherent value has been precious metals, primarily gold and silver. Gold and silver certificates are strong currencies when people are certain of convertibility of the certificates into their respective metals.⁴⁵ Electronically assignable precious metals could become widely used in transactions, and might eventually become one of the most favored methods of making payments.

Use of the Internet for exchange and use of precious metals as bullion coins or bars provides an alternative to people in contemporary society (which is undoubtedly illegal in some countries). In the US, these operations do not appear to be illegal, but the federal government is engaged in harassing currency entrepreneurs and might succeed in driving them out of business.

In contemporary societies, where only fiat money is now generally available, conditions are building for eventual widespread inflation and possibly collapse of the fiat currencies.

186. **Credit and Rating**

⁴⁵ This includes the certificates being safe from counterfeiting, which is always a threat to any currency without inherent intrinsic value.

As in contemporary society, the use of credit is tied to identity and ratings of credit worthiness, which can also be used for many non-credit situations, such as rentals and other contracts.

The collection, distribution, and use of information about people should be done consistent with the principle and with respect for the privacy of the individual. Where the collection, distribution, and use of information about a person causes damage to the person as a result of inaccuracies or carelessness, the responsible business could have a liability to the damaged person.

Ideally, the individual should have the option to limit the access others could have to his credit or rating records. However, a principle based on custom is that if *A* engages in a business exchange with *B*, then *B* can discuss with others the nature of his experience with *A*—the making of *A*'s reputation—unless specifically prohibited by contract. We all recognize that building a good reputation makes doing business with others much easier.

A credit or rating company might include guarantees of the validity of its credit ratings. If a report is seriously in error and a client suffers a loss as a result, the rating company should bear some responsibility for the loss—that is simply guaranteeing the quality of its product.

To prevent abuse and protect the subject individual, he should have access to the contents of his credit and rating records, with the ability to challenge and have removed inaccurate information, and to leave explanations of unusual items in the report. I think this should be done without charge to the individual—the credit agency should receive its fees only from its clients, the ones to whom the agency delivers its products. Otherwise, the agency would be demanding fees from people who are not its clients, amounting to extortion of people trying to protect their reputations. Further, due to the particular nature of the information gathering and reporting, a credit or rating company should be held liable for errors that adversely affect the subjects of its information system. Credit and rating companies should be responsible for all of their actions and failures, just as all others should be.

187. **Philanthropy**

Philanthropic organizations will become more important than they are in contemporary society because of the absence of State welfare and subsidization. While most organizations providing services should be operating on a basis of monetary profits, society does have a need for sources of funding for people in need and for valuable organizations that cannot operate at a profit.

The common objectives of philanthropic activities are to provide hardship assistance, educational assistance, patronage of arts and sciences, and social services.

Philanthropic organizations are often established as foundations and provide financial support to diverse recipients. They extend their support in a range of endeavors usually guided by the preferences of their founders. Contemporary organizations are usually legally non-profit organizations, and often claim to be totally non-profit, though they do operate for non-monetary profits.

Individuals with adequate wealth can, of course, engage in philanthropy directly or through philanthropic organizations.

Donations given to those in need are given because the donor believes it is the right thing for him to do. By his conscience, he would feel poorly about himself if he did nothing, and good

about himself if he made a contribution. That is his profit, his return on his gift.

188. **Social Work**

Social work has its place in essentially every society, free or otherwise. It provides assistance for economic dislocations, incapacity, education, addictions, and for victims of abuse, among many other possibilities.

Social work done through organizations and individuals can be supported by insurance and philanthropic organizations, along with community support. The work can be done by professionals, volunteers, and the traditional sources of family and friends.

189. **Disaster Assistance**

Protection against and recovery from catastrophes in contemporary society are functions taken up by the State. In a free society, these are services that would be provided by insurance and assurance organizations, militia, and volunteers. This includes fire-fighting, rescue, and life-saving services. It also includes protection against disease epidemics, storms, celestial collisions, and geological events.

The International Red Cross and Doctors Without Borders (Médecins Sans Frontières) are examples of organizations that provide disaster relief and medical care. These two organizations operate without the institutional fraud or coercion typical of political governments (that some individual managers within the Red Cross have ethically stumbled at times notwithstanding).

190. **Support of Sciences and Arts**

The sciences and arts are obviously highly important to society, especially a complex modern society that relies on extensive use of technology. Over the millennia, scientists and artists have supported themselves through having secondary occupations, contracting with State and Church, and obtaining support from wealthy patrons.

Support in contemporary society can also come from university positions, corporate research, foundation grants, royalty flows, writing and art sales, consulting and other entrepreneurial efforts.

In a free society that adheres to the Principle of Equal Freedom, intellectual property would be respected as much as tangible property. Royalty flows could then be an important source of support for further work by the developer.⁴⁶ Organizations could be established that provide financial support prior to a developer acquiring a royalty flow. This support could be in the form of grants or advances to be repaid out of future royalties. Such organizations would function somewhat like venture capital firms that support new business ventures.

191. **Knowledge Creation**

⁴⁶ See Lysander Spooner's *Letter to Scientists and Inventors*.

Scientists in nearly all fields currently have a convenient source of funding: coercive government that takes money from citizens and distributes it to the scientists. This is such a convenient mechanism that most scientists have convinced themselves that it is a moral and ethical process, particularly since society as a whole benefits from the gains in knowledge.

Theft is not a moral and ethical process, even when applied to good ends.

The professionalism of science today is due in large part to the determined effort by Thomas H. Huxley in the 1800s to take science away from a crippling religious control and turn it into a profession that seeks knowledge for itself, not in service to religion. Huxley turned to the State as the primary source of funding, against the imploring by his friend Herbert Spencer to stay clear of the State. Huxley's efforts resulted in the professionalism of science today, one that looks to the State for a great part of its funding.

Spencer and Lysander Spooner showed in the mid-1800s that the State is not necessary for the conduct of science. There are many avenues for funding scientists that do not include use of money taken from people by coercion.

People have a fundamental right to make their own choices. If they do not want to spend money on something, however adverse the long-term consequences to themselves, that is their right. If they do not want to spend their money supporting scientific research, that is their right. No scientist, however noble his intents might be with regard to the results of his work, has a right to money coercively taken from another.

In practice, people do recognize the value of science. Books about science and ones by scientists do well in the market place, showing that the public does have an interest in science. Nearly everyone recognizes that the quality of life today depends to a large extent upon science. Without the burden of taxes and the waste by political governments, people will make investments in scientific work, either directly or into foundations, research mutual funds, or other organizations that will support science. Businesses will take an expanded role in supporting science in a free society compared to contemporary society. Owners and managers of businesses using advanced technology are well aware that basic science drives applied science that in turn drives advanced technology. People recognize that advanced technology and its application in industry improves the quality of their lives. They know that science must be supported by society, which can be done through individual choices in a free society.

The contemporary approach to funding research includes corporate laboratories and small specialty companies funding narrowly-directed research. Both could provide salaries and royalty flows to support and reward the researchers. While successful corporations typically use the cash flow from their business to fund research, smaller companies often use venture capital.

The back flow of royalties in a free society should be a major source of income for successful scientists. (Some contemporary scientists look upon royalties as crass commercialization of science and prefer the pure and noble State funding that has been coercively taken from people.) Other scientists, such as ones just beginning their careers, should be able to rely on general support organizations and employment in industry.

Science is fundamentally a system for gaining and validating knowledge—the pursuit of knowledge. This pursuit is a compulsion with many people, and a very common affliction among scientists. Determined people will find moral ways and means for following their obsessions with knowledge.

192. **Knowledge Distribution**

Most creators of fundamental knowledge want that knowledge to reach the cultural system of society. They want the recognition that they are due for the quality and importance of their work, and some royalties to live on would also be nice.

Companies that provide marketing, licensing, and royalty collection for inventors of devices and technologies could relieve the inventors of time-consuming and often stressful business activities. These companies provide a knowledge distribution service.

Distribution of scientific knowledge works well in contemporary society, but does not include a system of royalty payments to the creators. It is a socialized system, with many scientists supported by tax collections that go to the scientists irrespective of what they actually accomplish. This approach is not viable in a free society.

In a free society, as in any other, people should pay for what they get, which includes acquisition of knowledge. If they do, this will result in a substantial back flow of royalties to the people who create knowledge. The sales of books that contain knowledge of interest or that present science in a more personable way provide a short-length back-flow path: consumer to bookseller to publisher to author. Back-flow paths can be much longer and more involuted when knowledge is turned into technology used by industry, but that should never be an excuse for not paying royalties where due.

The mechanisms for distributing knowledge still rely fundamentally on spoken and written methods. Both methods have been radically altered by electronics, information storage, and rapid global communications.

The means, or channels, for distributing knowledge are undergoing revolutionary changes. We cannot truly know where these changes will lead. Many traditional channels are experiencing major changes and some seem likely to fade from use to be replaced by ones employing new technologies. Even books themselves are undergoing changes as some become electronic rather than paper.

The existence of the channels of distribution is more important than their specific technologies or which ones are popular and which are not. Scientific and technical knowledge and other kinds of information now have channels for reaching people quickly and cheaply. The simple availability of knowledge through these new channels is profoundly affecting both individuals and civilization itself.

A free society is one in which people have the liberty to act in a moral manner, which does not include theft, but does include payment for goods and services received. This includes knowledge acquired from others.

193. **Other Services**

Other services in a free society would typically follow business models much like they do in contemporary society. Consumers pay directly for what they use. Service companies establish their services with investment capital and loans, then rely on consumer payments to make a success of their business.

Chapter 14

The Societal System

Society consists of people, organizations, and infrastructure. It is a system, but not an incorporated organization. It has natural, noncoercive leadership in a variety of forms, including leaders in scientific, technological, philosophical, and business fields. This is the only kind of leadership compatible with the Principle of Equal Freedom.

With protection provided by noncoercive governments and other services available from support agencies, we can look at the resulting nature of free societies.

Some of the statements in this chapter on the manner in which a free society could function under the Principle of Equal Freedom are based on my interpretation of the principle and application of aspects of common law that are consistent with the principle. People applying the principle in their region or community certainly have the liberty of making different interpretations. However, it should be remembered that applying a title to an object or system that is incompatible with the definition of the title does not change the nature of the object or system—the action merely obfuscates the situation for the unwary. In this vein, some Americans contend that the Principle of Equal Freedom can be found in the functioning of American government, which is clearly delusional or a case of obfuscation for the unwary. After all, the principle is held in high esteem even by people who want nothing to do with it in real life.

194. Structure and Society

People live their lives within the structure of their society. The structure strongly influences the modes in which people can live. Where there are political governments, and they are every where at the present time, the nature of those governments strongly determines the societal structure of the countries.

It is only recently in human history that people as a whole could conceive of changing the structure of their society to suit their needs and preferences. Until within the last half dozen

centuries, the societal structure was a given thing to be accepted and not changed. One could hope for a good king instead of a bad king, but one could not think of removing all kings, thereby changing the social structure. Even in the Dutch rebellion beginning in the late 1500's, the goal was to stop an intolerable condition of Spanish tyranny over the Dutch people. They did not intend to do away with monarchy as a form of government. They became a republic mostly by accident, but it was a highly successful one while it lasted.

The American War of Independence two centuries after the Dutch rebellion was also fought to break a remotely-based tyranny. The determined effort during the time following the war resulted in the establishment of a republican government; a monarchy might have been established just as readily.

The Dutch eventually gave up their freedom in a return to monarchy, and Americans gave up their freedom to an imperial State. The US began as essentially a minimal State, and in only two centuries grew into a global empire—the most powerful State on Earth.

Setting up a republic instead of a monarchy resulted in an old societal structure (president/king with congress/parliament), but with the new feature of allowing citizens to elect their leaders (except for federal courts and bureaucrats). Its success in the following centuries was a major factor in the evolutionary changes in many countries from monarchies to full or partial republican governments.

195. Structures of Free Societies

Societal structures are formed by markets, organizations, and entrepreneurs. Naturally formed structures are flexible, able to adapt to changing circumstances because they lack a central authority specifying how the structures must be. Where State and Church exist, they will create additional structures, which are rigid and for the benefit of wielders of influence.

Markets determine the need for societal structures. The market system itself is one of the essential structures of society. Organizations and entrepreneurs meet the market demand for other structures, such as banking systems and product distribution systems. Noncoercive governments protect the structures, but are not able to forcibly control the structures.

Capital infrastructure, including roads, electrical systems, and water and sewer systems, is created by organizations and entrepreneurs in response to market demand, thereby meeting the needs of people with their creations. These owners will maintain their infrastructure, striving to keep it effective and efficient. Since they cannot prevent the arrival of competitors, they have no coercive monopoly to protect their positions.

196. Functionality of Free Societies

The primary functionality of societies is in production and exchange, which are based on division and specialization of labor. Also of importance is security, especially in secure access to the essentials of life and safety from attack. People in societies respond to their innate preferences for their activities and to perceived needs within society that offer opportunities to gain wealth. Gaining wealth increases their security and comfort. In seeking wealth, however relative it might be, they act to fulfill the functions needed by society, which are expressed as market demand.

As people use their perceptions of market demand, often influenced by their innate preferences, they go where they think there are opportunities for earnings. If demand is found to be low relative to supply where they made their choice, they can adjust and go where demand is high relative to supply. Their behavior tends to balance supply and demand across society, made at the level of the individual without central direction. This adaptable behavior by individuals gives society itself adaptability.

Society can self organize, and self correct from dislocations, in both its structure and functionality if it is not constrained by institutional coercion or fraud. It evolves in response to internal and external factors, including changing science and technology, available resources, environment, conflict, moral concepts, wealth, and leadership. Awareness of the nature of societal evolution and the establishment of aggregate goals in a society can influence the course of its evolution.

197. **Freedom of Action**

Each individual defines his own life by his beliefs, preferences, and actions. A society based on full, equal freedom for all individuals allows each individual the broadest opportunities for defining his life.

Free societies do not have coercive central planners, nor coercive regulators creating artificial market shortages through licensing and other methods of control. Without coercive authority, unions, guilds, and monopolies have little effect in creating artificial advantages for their members. If a guild is noncoercive, no one has a basis for objecting to its existence, but if it is coercive, they everyone who is knowledgeable of the situation should object to it.

By the principle, a person has a basic right to live as he chooses, to enjoy his liberty in whatever manner he wants. There is an absolute concept of morality by which he can live, which is simply respecting the existence of other life. A person should not be forced to follow whatever concepts of morality his neighbors might adhere to in their lives, which typically have more to do with religious beliefs than with principle.

For something to be immoral, it needs someone against whom it acts—someone suffering from a violation of the principle by another. Without a specific object, there is no immorality.

Moral action requires the respect for another's right to exist and respect for all of that person's properties. When those conditions are met, the principle has been met.

Those who adhere to the Principle of Equal Freedom have nothing to force upon others; any such force would be contrary to the principle. Those who do not adhere to it are the ones who implement or endorse coercive actions. In politically structured societies, it is the coercers who determine the politically-based rules of behavior and the control of property. The principle cannot be forced into universal usage; that would be a violation of the principle that would destroy the attempt to implement it. The principle can be brought into effect in a society only when a sufficiently large portion of the population voluntarily adheres to it so that it becomes the operating basis for the society.

The rights granted by States are not sufficient for freedom. If a State exists, then freedom does not. When the State grants rights, that is a clear indication that its citizens are not free, because anything that is not granted as a right is something that is denied them. Further, what a

State grants can also be taken away by the State, typically all at once in a declared emergency or by slow erosion in hope that its serfs will not notice the overall change sufficiently to complain.

There must be freedom and opportunity of action, freedom to accumulate wealth and implement ideas. Where relative wealth is eliminated, total freedom, opportunity, and evolutionary potential are eliminated.

Individuals are the creators in a society. A society should allow individuals to accumulate capital to develop, test, and implement ideas to maintain its evolutionary potential.

People tend to make the most suitable personal choices, but not perfectly. Over a large population, this creates adaptive markets and societal processes in general, when the people have freedom to choose.

It is morally wrong to impose harm on some individuals so that benefits are obtained for the greater number of people. This situation does not arise where personal freedom and moral justice are adhered to.

A person is always entitled to protect his life, liberty, and property of every kind. Further, it is his own responsibility to provide that protection, by his own action or through agents.

The defense of another's life and property is as moral an action as for one's self and should be considered a laudable social imperative in a free society. Family, friends, neighbors, and strangers can be defended by an individual with the same authority as for himself.

Resistance to any and every tyranny is an inherent right of all people. The resistance can be exercised against any type of tyranny, arising from political, religious, or any other sources. Such resistance should be considered an imperative. The benefits of successfully overturning these controls confer to all individuals.

In considering resistance, each individual must look to his own convictions, his own courage, and his own situation. His convictions may compel him to action while his personal situation may compel him to inaction, and his degree of courage will weigh on the balance.

198. **Free Markets for Exchanges**

A free market is the hallmark of a free society. A free market is a system of exchange where the exchanges are voluntarily made for mutual benefit, without externally imposed restrictions and obligations.

Economists, especially those of the Austrian school, have shown that free markets are the most effective in providing for the good of all. The expression *laissez faire* (let be) describes the nature of free markets.

Carl Menger established the Austrian school of economics, which is based on the functioning of free markets. The Austrian school has shown that efficient exchange and use of resources can be maintained only through the price mechanism in free markets.

Every modern society and modern market system is too complex to be centrally managed with effectiveness and fairness. Free societies and free markets are self-organizing systems that are capable of correcting disruptions to their functioning. A free society, with its free market, self-organizes and self-adjusts to changing conditions through the mechanism of free interactions among the people of the society.

Central planning cannot work effectively in either markets or societies. The bureaucrats of a

government cannot effectively organize their own country, and even less so can they organize a country that is across an ocean and under a different cultural norm.

In a free market, banks can issue their own currencies and deal in the currencies of other banks. A individual can issue his own currency, becoming then a miniature bank himself. Getting other people to use it, however, is another matter.

The most successful currencies in a society will probably be associated with the most competent bankers. If an incompetent banker has his own currency in use, it may soon fall into disuse as people turn to the use of more competently managed currencies.

Having actual or potential competition among currencies will help keep currencies strong. The bank owning a currency system knows the system will fall into disuse if it is not kept strong through competent management. The monopolies that States enforce for their currencies not only allow the extension of control over their populations, but also enable the States to inflate the currencies without fear of people turning to the use of other currencies.

A natural market monopoly comes from providing a high quality product or service at the best price. A natural monopoly is unstable in that the company's position will be lost if it ever deviates from providing that high quality product or service at the best price. It can also be lost if the advantages of the monopoly are abused and customers reject the company as a result.

Market competition results in winners and losers: people and companies that are successful in selling their products and services, and others that are not successful. However, market competition should not be intentionally damaging—deciding to take action intended to destroy a competitor is an attack upon another's existence.

199. **Creation of Wealth**

Society enables the creation of wealth, which is created through innovation and efficient production. This wealth spreads throughout society to directly or indirectly benefit essentially all of its members.

Lysander Spooner, in his 1879 publication *Universal Wealth*, wrote in reference to inventions of the steam engine, spinning machine, locomotive, telegraph, printing press, tunneling mountains, building suspension bridges, and laying deep sea cables:

These things should teach us that it is brains, and not hands, that must be relied on for the creation of wealth. And it would be well for us to realize, much more fully than we ever have done, that brain labor, no less than hand labor, must be paid for, if we would have the benefit of it. ...

What will be the number and value of the inventions made, and what the variety and amount of wealth produced by means of them, when, if ever, all mankind shall be protected in their property in their inventions, and shall have all the money necessary to bring their inventions into successful operation, no one now can form any idea.

Payments of royalties, which need not be large enough to be onerous, provide incentives for creations and rewards for useful accomplishments—they are acknowledgments of value received. These small payments could have a profound effect upon society as a result of the intellectual

accomplishments that would be enabled by those payments.

Discoverers of scientific truths and inventors of things and processes should have perpetual rights to their creations; anything else is theft and disrespect toward the creator of knowledge. Those royalties support further invention and creativity, which increase wealth for all.

The creation of wealth, both that of individuals and society as a whole, also depends on savings and effective investment of capital. A society based on high consumption and essentially no savings will eventually experience an economic collapse, such as the US and much of the world are currently experiencing. Enduring wealth cannot be obtained from expansive credit and high consumption.

200. **Characteristics of the Societal System**

A society exists to meet the needs of people, which along with companionship are primarily exchanges of products and services, and protection of lives, liberties, and other properties. These objectives strongly influence the characteristics of societies. Useful markets require division of labor with the resulting specialization of skills held by people. Production chains develop to create advanced products—someone grows cotton, another turns cotton into thread and cloth, yet another turns thread and cloth into clothing. Importantly, someone will create a medium of exchange to get away from a barter society.

Protection is a major fraction of the work and time that constitute a functioning society. Self-protection groups can evolve into militias. Insurance organizations arise. Companies are formed to spread business risks across numerous participants, and they also further the specialization of functions.

Society is sustained by production; it advances through gains in knowledge and innovation. Societies and civilization as a whole require production and distribution of resources and manufactured goods. They require the availability of services. They require the organization and availability of knowledge, and thus require the storage and communication of information.

Civilization is based on cooperative action. In fact, to the best of our knowledge, all of human existence has been based on cooperation. The specialization of activities that accompanied civilization has made cooperation a thoroughly widespread feature of civilization.

Human civilization spans the globe. It is comprised of many social systems with distinct cultures. This system is tied together with commerce and communications.

An equal freedom social system can be characterized as a social system without coercive laws but with societal rules based on principle; operating under the protection of one or more proprietary governmental organizations; and providing an environment of liberty for all morally-acting people.

A free market environment is critical to a free society. The free market is based on balanced symbiotic actions: activities that are mutually beneficial. Each participant in an interaction makes his own judgement as to the cost of what he is giving up relative to the value of what he is receiving. When each participant believes he will receive a net value from an exchange, the exchange takes place. No other people are competent to judge, much less control, those exchanges.

To make these things possible, there must be a removal of or major reduction in the

widespread belief that some significant amount of coercion is essential and desirable. People should be aware of the difference between force and coercion.

An ability to use force within a free society is necessary for the protection of people, specifically, to counter the possibility of coercion. Just as a homeowner has a right to use force to protect his family and home from an invading burglar who is using coercive force, so at any level in society force can be employed against coercion.

201. **Self-adjusting Systems**

Freedom creates a strongly self-adjusting societal system. This is a broader subject than the free market with its self-adjusting features.

What we are used to, and all that humanity has experienced since the beginnings of civilization, are societal systems dominated by political institutions. Societies under these institutions are not only controlled by the obvious wielders of political strength who lead the institutions, but also by the members of the bureaucratic systems and the members of the societies at large who can advantageously use the systems to achieve and maintain beneficial conditions for themselves. A characteristic of these people who are politically successful is that they resist social change—it is often to their advantage to thwart societal evolution and they are often successful in doing so.

Evolution of institutions and societies is essential for them to adapt to changing conditions. Experience has shown that they must adapt or fail. Failure of, and the removal of, those institutions and societies that cannot adapt is necessary for the benefit of the individual, society, and civilization itself. Those that prevent changes to meet new circumstances create hazards to all members of the institutions and societies. Coercion inhibits adaptation, while freedom maximizes adaptability.

Markets that are not subject to politically imposed controls adapt to the realities of supply and demand. Products for which strong demands exist tend to become more plentiful, while products without supporting demand disappear. Prices average staying around their equilibrium values. Where shortages develop, prices tend to increase, but the increasing prices tend to encourage more production and thus more competition that tends to constrain prices.

However, considerably more is happening in the free market than fluctuations in products and prices. Institutions, particularly corporations, are also undergoing changes as a result of a wide range of factors, including competition and changes in technology, economic conditions, and demand for products.

The changes in the institutions of a free society tend to occur in ways that are beneficial to the population. If changes begin to occur that are not beneficial to the population, there is a resistance to, or lack of demand for, the changes, and these changes become inhibited. Changes in institutions that provide benefits are supported so that the changes tend to continue development.

Societies, in particular their markets, can go through periods of malinvestments, where capital becomes irrationally allocated as a result of greed, frivolity, or other drivers. This is especially true in contemporary societies with central banks that strive for inflation and provide the means for driving credit bubbles. Corrections are inevitable and necessary.

Religious institutions are detrimental to civilization and personal life to the extent that they perpetrate irrational thinking, fraud, and coercion. Political coercion from or on behalf of religious institutions is incompatible with personal freedom, but has been present throughout human civilizations.

A society based on full personal freedom necessarily offers full freedom for religious beliefs. However, the history of the religious institutions has shown that often it is society or groups within society that need protection from those institutions. Where specific religious institutions have gained large fractions of populations as adherents, the institutions have typically exercised political strength, coercing both members and nonmembers.

In a free society, religious institutions and individual believers cannot impose religious beliefs, systems, and behavioral codes upon others. They cannot impose social laws or other rules upon society even where a religious group forms a majority of the population.

202. **The Individual in the Societal System**

The ideal member of a free society is a person who understands freedom by principle rather than by propaganda, and who actively protects his freedom and that of others. He values truth, respect for life and property, and adherence to contracts. He is a person of integrity.

Integrity will not be a universal characteristic of people, at least for a long way into the future. However, the societal system will be stable with respect to this shortcoming by the presence of people with integrity and the presence of the organizations of noncoercive government.

The interactions among people depend strongly upon their knowing the identity and reliability of the participants in interactions of all types, especially where commerce and contracts are involved. Personal credit rating systems can provide proof-of-identity and reliable information to assist people when entering into commercial transactions or other types of interactions, even when looking for a life partner or a casual date. Some services might provide an overall credit rating index for individuals similar to those currently done for corporate entities.

Databases are essential elements of technological societies. They obviously should be secure and private, except where public access is intended and not harmful. Properly-operated databases of personal information contain only information consented to, directly or by implication, by the subjects, except for criminals. Implied consent is an important determinant of the content of personal information databases. People have an implied right to release to other parties some information related to commercial transactions and other interactions, especially those that are criminal. For example, if in an interaction *A* cheats *B*, *B* has an implied right to convey that information to others and to be held harmless from the consequences upon *A*. On the other hand, if *B* conveys false or misleading information about *A*, *A* has a right to have the situation corrected and possibly recover damages from *B*.

The robustness and stability of a free society depends on the people in the society. Maintenance of the principle also depends on the people in the society. While a free society is robust with respect to violations of principle by individuals, whether acting in groups or individually, people on the whole must protect the underlying principles for their freedom to endure.

Individuals following their self interest with respect to their lives and properties keep the system strong. Their protection of their own properties and seeking of justice does much to maintain the robustness of the free society. If individuals act aggressively against coercion or fraud directed toward them, then the payoff from coercion and fraud is reduced. The effectiveness of their efforts is enhanced by the expressed concerns of friends, neighbors, and professionals involved in protection and justice.

This is, I think, of major importance to the success of a free society, that individuals looking out for their own lives and properties strengthen society as a whole. The effect is even stronger when their concerns are extended to others, whether friends, neighbors, or strangers.

203. Upholding Principle

If the principle is violated in even one social law, its integrity is violated and it is of limited value thereafter. The violation shows that the people are willing to abrogate the principle on whatever issue suits them, and that society is then based upon law by whim rather than upon principle. If the people allow an abrogation, then with the integrity lost other abrogations are possible and almost certainly will happen over some time scale.

The rights implied by the principle should therefore be treated as imperatives. Individuals must exercise their freedoms and guard them against attacks. While we might hope for the establishment of such freedoms and the existence of a society so secure that attacks on the freedoms are essentially impossible, we certainly have no basis for expecting such a condition within the next century, or, more likely, the next several.

People should respect the life, liberty, and estate properties of others. They should not use coercion and fraud, and should act against transgressions whenever they are employed. They should act for the protection of themselves and others. They should strive for these ideals, however imperfect the implementation of the ideals might be in real society.

The goal of protection organizations is the prevention of criminal attacks, including the crime of war, which is nothing more than organized, massive criminal attack. If a criminal attack is made, the first priority is to stop the attack, the next priorities are prevention of additional attacks by the criminal and restitution for the victims.

The taking or threat of taking life or properties is unacceptable and is a criminal act. Anyone in the act of, or threatening the act of, taking another's life in a criminal manner has forfeited the immediate right to his own life.

Anyone who acts, in an immediate sense or not, to attack the life, liberty, or property of another may be constrained or isolated for the protection of potential victims. Preventing a crime from happening, in an immediate sense or not, is a moral act when done in a manner consistent with the Principle of Equal Freedom.

Anyone, whether a civilian, soldier, professional protector, or other, can engage in the defense or protection of self or another person. Any individual or group can establish a protective organization, which must compete in the free market for business from prospective customers.

The expression *self-defense* is often used in contemporary society and in particular in legal systems, but it is a seriously deficient concept. The concepts of *defense of person* for life and

liberty and *defense of property* are superior concepts. The concept of, and expression, *self-defense* should be dropped from use. A person may defend another morally-acting person with the same moral authority with which he could defend himself. This negates any privileged concept of self-defense.

Defense of a criminal can in some cases be a moral action. The most likely situation in this regard is defending a criminal from people seeking violent revenge when the criminal has unequivocally ceased his criminal acts or threats of such acts.

The concept of justice that is consistent with the Principle of Equal Freedom is that of restoring a victim to a state as close as reasonable or practical to his original undamaged state when the damage has been found to result from a criminal act or an act of negligence, whether of commission or omission, on the part of a responsible person.

Justice is obtained through restitution, not punishment. In contemporary society, the State seeks punishment and nearly always imposes no restitution requirement upon the criminal. The victim is left to follow civil legal procedures that can take years and result in serious expenses for the victim with no assurance of any eventual restitution. That is not justice.

In a system of equal freedom, restitution for the victim is a high priority, second only to assuring that no additional damages are done by the criminal. Restitution by the criminal is often the closest he can come to providing justice for his crimes.

It is an immoral act for one person to hide or otherwise obfuscate the guilt of another person, without exception for attorney-client relationships. A judicial proceeding is for the purpose of determining the truth of accusations and the extent of damages, if any, and that objective applies to all participants in a proceeding. An attorney may argue mitigating circumstances for his client and may strive to minimize any assessment of damages, but justice is not served by an attorney hiding the guilt of his client and striving to convince other participants in a proceeding that his client is innocent when the attorney knows the client to be guilty. Any such action by a person, whether that person is the accused's attorney or agent or not, interferes with the attainment of justice for the victim and may constitute the making of untrue statements in the proceeding. An accused person is expected to speak truthfully when providing testimony.

A person accused of a crime is presumed innocent until admission is made or evidence is presented in a judicial case and a finding of guilt or probable guilt is made. When guilt is determined, the criminal can be subjected to reprobation, ostracized, and isolated when there is a possibility of further criminal acts. The extent of these actions should be related to the nature of the crime. Violent retribution is generally not compatible with principle.

An equal freedom society can have attorneys, even though the society will have no coercive laws. There will be many uses for attorneys in an equal freedom society, including drawing up contracts, setting up trusts, acting as agent for a client, and representing a client in cases of civil and criminal conflicts.

204. **Business Entities**

Proprietorships, companies, and corporations of several types are the vehicles of enterprise that serve a complex society. Their system of services was described in the previous chapter.

A corporation has an existence as an entity, but it also remains an association of individuals

who direct the activities of the corporation and carry out its operations. The corporation as an entity and the individuals directing it are responsible for its actions. In addition, the managers are responsible for their own actions within the corporation.

Corporations take the division of labor to another level. They function by having people working as specialists within their organizations, but corporations themselves specialize in their products and services.

There are no coercive institutions to control people and corporations, and to confiscate their wealth in free societies. Mindful customers and investors watch the behavior of corporations. They prefer to get products and services from businesses that adhere to quality, which they can monitor through information from other customers and from organizations that certify that product standards are being met. Investors pay particular attention to financial information certified by reputable accounting and audit organizations. All of this can be done in a noncoercive manner in a free society.

The foundation, as a special form of corporation, is an important social invention. It is a potentially perpetual source of special funds that can have a major impact upon societal development. Its usable funds come from endowments, contributions, and return on investments.

It is distinct from an ordinary corporation in that it does not have to meet demands by investors for payouts of dividends. It can then place some of its funds into situations that may not pay returns on investment for long periods or at all.

Foundations have been used to support social developments such as libraries and performing arts. They have also been used to support basic and applied science such as medical research, a role that should be greatly expanded. They could be very important sources of capital for the development of space and for underdeveloped regions on Earth.

Foundations have commonly been established and funded by individuals and single families having the funds to create the endowment. In the future, it may become more common for large foundations to be jointly funded by several individuals and estates.

The bureaucratic regulation and taxation of foundations strongly inhibits a very important social institution. The consequences of this inhibition are not immediately obvious since what does not happen is hard to comprehend. However, it is not hard to understand that a large number of freely operating foundations can be a major factor in the evolution of civilization, and that this evolution is inhibited as are the foundations themselves by coercive controls.

The control of contemporary foundations is primarily through coercive government agencies, in particular the tax collection agencies. The tax agencies exert control over the sources of funds, types of investments, and types and quality of payouts, including controlling the type of recipient of payouts. The tax agencies can force disbursement, and confiscate some of the funds of the foundations for noncompliance. Control is also exerted by the courts, by lobbyists using political influence, and pressure groups using the courts.

Without regulation and taxation, the foundations could develop new methods of operation substantially benefitting the development of society and civilization. One new form of foundation could be one that is between the present foundation (forced to be nonprofit) and the ordinary corporation. This type of foundation could pay dividends to the individuals and estates who placed funds in the foundation. This would be beneficial because the distributed dividends could be placed into other foundations, especially new ones, increasing the diversity of

foundations.

These foundations would be able to make investments in basic science, technologies, and new ventures where the returns on capital might be decades away. In doing so these foundations can substantially increase the time horizon for investments. In time, these investments would return capital in the form of dividends and royalties, increasing the working capital of the foundations. This allows the foundations to support further investments as well as to return some dividends to its investors. The benefit to society is that high-risk activities, such as basic scientific research, as well as those with delayed payoffs could be developed. This support may be critical in the area of space development, for example. At the present time, this mode of operation is prohibited by the controlling agencies of coercive government.

205. **Non-prophet Disorganizations**

We are quite used to organizations dominated by a more-or-less charismatic leader, the prophet, with officially-approved organizational charts that clearly show who in the organization has authority to boss whom—and who gets paid more than whom. We have seen in contrast groups of people self-organizing into projects based on competence and interests of the participants. These groups have implemented some society-changing products, including Wikipedia and numerous open-source software applications.

Software projects have been relatively easy to implement because contributors can be located anywhere there is Internet access. The work done by participants is delivered through the net. Communication is done through the net as well.

Hardware projects are more difficult for several reasons: the need to ship components, the need for a central assembly site, and State interference. There have been numerous failures of volunteer projects, especially where the product is hardware and operations. However, some hardware projects have succeeded quite well with combinations of volunteers and limited capital. Some that come to mind are historical aircraft restoration projects that include the Avro Vulcan, a flying wing prototype, a B-17, a B-29, and a P-38 extracted from a glacier.

People work for profit, which is not necessarily monetary. Many choose to work at avocations with a professional level of competence for a sense of personal accomplishment or for having made an accomplishment of value to others, perhaps to civilization itself.

This approach to implementing projects seems likely to become more common in the future, and could cause problems for expensive, rigidly-organized corporations that cannot change their business model.

206. **The Fuzzy Nature of Liberty, Fairness, and Justice**

The concept of *fuzzy* is used here in the mathematical sense. If the value of a parameter is constrained to being either 0 or 1, white or black, yes or no, on or off, then it is a definitive parameter that must have only a value or the opposite value. In contrast, a fuzzy parameter could take on any value between 0 and 1 inclusively, it could be a shade of gray, it could be a *maybe* or conditional truth, it could be a partially functional condition such as *half on*. This is the more common condition of the cosmos. People who cannot accept approximations and intermediate

conditions, who insist on 0 or 1, yes or no, were simply born into the wrong universe—the Universe we live in is a fuzzy one.

Some people who fear the Principle of Equal Freedom point out the imprecision of the balance point between limits of action by two parties who would bump into one another in some manner. The boundaries of liberty are at stake here. Finding a fair and just balance point between the parties might indeed be a difficult process. So we had better throw out the Principle of Equal Freedom and settle for the coercive State and its definitive processes. But anyone who has ever read about damage awards decreed by juries in the State's courts must surely recognize that those awards can be quite arbitrary. And judges in the State's courts often make honest attempts to reach fair decisions that balance the realities of their cases. So the State is fuzzy in trying to meet its concepts of limits of action, fairness, and justice. And certainly a society of equal freedom is fuzzy in trying to meet its concepts of limits of action, fairness, and justice. So in a free society where people live under the principle, the boundaries between properties and actions of individuals are often fuzzy, just as they have been ever since life began.

Justice appears to be inseparably linked to fuzziness. While there are many cases where a just decision would be 0 or 1, it should be recognized that a just and fair decision point could lie between 0 and 1. Further, that just and fair decision point cannot necessarily be found by a deterministic process—that is, a fixed formula does not necessarily exist that, given input parameters, will provide optimally fair results for the concerned parties. Some judgement of a subjective nature might be required. Also, a fair decision point might not have a single value, but lie within a range of values.

Any system for finding a decision point that could be considered to be fair seems likely to include some subjective aspect—either in a human judge or built into a decision-making algorithm. It will likely have a fuzzy aspect as well.

PART 4

THE FUNCTIONING OF NONCOERCIVE GOVERNMENT

Chapter 15

Operating Noncoercive Governments

Each organization providing governmental services will operate as a corporate body with a set of regulations and bylaws that define its purpose and how it shall operate, or as a proprietorship under the direct guidance of the owner. While a private company may keep its corporate documents private, it could be beneficial for a governmental company to have its regulations and bylaws open to public view, or at least viewable by its clients. These documents, along with its client contracts, are somewhat equivalent to the constitution of a political government. Because of the special nature of governmental companies, it could be good policy to have some degree of disclosure of their fundamental documents, although there is certainly not an obligation to do so.

Some of these governmental companies can, and will, operate in parallel with coercive governments. They provide customers with alternatives to coercive services. Some already exist, such as standards and testing companies, copyright agencies, and arbitration agencies. Some have provided alternative currencies within the US, but they have suffered serious interference from the federal government.

207. Establishing Noncoercive Governmental Corporations

In a society of equal freedom, anyone can establish a government at any time. If one troubles to do so, then he might as well appoint himself head of the government he just established. Whether or not anyone else pays any attention to him, and whether or not he goes broke in his endeavor, depends upon his being able to offer useful services at competitive prices without violating the rules of the society, in this case those rules that follow from the Principle of Equal Freedom. Thus he cannot exert coercion or engage in fraud, which means he cannot tax and he cannot interfere with other people busy operating their own governments—in fact, he cannot interfere with the lives of any of the people in the society who are living in a moral manner. This is a stringent condition that cannot be compromised; it is a serious responsibility on the owners

and operators of governments.

The degree of difficulty in establishing a governmental corporation depends on the nature of the services to be offered—a noncoercive government is likely to specialize in one or a few areas of competence without trying to do all things for all people. The incorporation is easy in a free society. Beyond that, the owners and managers need competence, capital, and customers.

208. Registrars

The protection of identity and property ownership is an essential service in society. Registrars will be the primary providers of identity and ownership protection in free societies. Since they provide modes of protection for the properties of clients, they are by nature governmental agencies.

Registrars are keepers of records. They can record births, deaths, marriages, land claims and transfers, business and estate formations, intellectual properties, electronic signatures, equipment purchases, credit and criminal histories—essentially anything a customer thinks is worth protecting by registration. They can keep publically open and closed registry information, determined by the choice of the client and policies of the registrar. Publically closed information is not available to public inspection and would be revealed only under specified conditions—appropriate for wills, estates, and trusts, among other things. These agencies can guarantee the validity of property title transfers, thus providing title insurance.

Every governmental corporation in a complex society should make use of registrars so that members of the society would know of its existence and the nature of its business. If a governmental company is not open about these matters, it is probably a good one for prospective customers to avoid.

209. Operating Documents

Formally incorporated businesses, including governmental agencies, with a significant number of employees might need internal regulations and bylaws to define and constrain their operations. Usually the regulations and bylaws are of concern for the owners and managers, so there is no need for them to be publically-available documents. However, financial investors and lenders might require some visibility into those documents before they will advance funds to a company. In some cases, such as with organizations that can routinely employ force in the conduct of their operations, customers should require some visibility into the nature of the company before contracting for its services.

It is to be expected that members of a free society would want assurance that governmental organizations that can routinely employ force in the conduct of their operations will be adhering to principles and internal operating rules that are consistent with the principles of that free society. Public confidence in such companies will rest on knowledge of the owners and managers, visibility into their documents of principles and general operating rules, and knowledge of the history of the companies—that is, their reputations.

210. Contracts, Not Constitutions

Governmental organizations, especially those that can routinely employ force in the conduct of their operations, should have carefully crafted contracts for customers. Good contracts with governmental agencies will define the rights and obligations of the agencies and the customers. Further, the contracts should generally describe how the agency will conduct its operations, showing how they will be in compliance with the principles and norms of the society. This is something the customers should insist upon for their own protection. If an agency should engage in coercion or fraud, the customer would want a rules-of-engagement document showing that the agency operated contrary to the way it said it would, so the customer can show that he was not in complicity with the bad conduct.

It is most important to recognize that constitutions are not contracts except among those very people who have signed it, if any, and then only if it properly meets the forms and conditions of contracts. A constitution is not a contract that extends to people who did not sign it.

Open-ended, unconstrained behavior of one party over another is not allowable in a valid contract. A purported contract that grants one party rights to define payments to it with further rights to confiscate property and imprison, or even kill, to enforce collection from the other party is not a contract—it is a document of abuse. Thus it is with political constitutions.

In a free society, no persons or governmental agencies can create constitutions that become imposed on members of the society. To do so is to create coercion, which means the members of the society are not free. Constitutions do not so much define the rights of citizens, as they define the lack of freedoms of the citizens.

It should be remembered that the Principle of Equal Freedom itself is a code of conduct, not a contract. People might enter into agreements to abide by the principle—which could make those agreements contracts.

The contracts between noncoercive governments and clients should include guarantees of performance and responsibilities of both parties. The governments could use bonding and surety agreements to put resolution of disputes in the hands of third parties who would seek fair settlements of any disputes.

211. Responsibility

Noncoercive governments operating in free societies have strong responsibilities not only toward their clients, but toward all members of society. They must repair damages and provide compensation for their errors to avoid being guilty of damaging properties. Clients and prospective clients should avoid doing business with any governments not taking full and prompt responsibility for their errors.

212. Competition and Cooperation

Noncoercive governments cannot establish coercive monopolies and cannot interfere with the businesses of other noncoercive governments. Free market competition must exist between these governments. However, that competition does not exclude cooperation between those governments. Such cooperation can help those companies provide better services to their clients and to society in general.

213. Associations of Governments

Associations of noncoercive governments could be helpful in coordination of services, the setting of standards, and providing some kind of ratings of their members. The most effective associations would provide some forms of guarantees for the performance of their members and would also stand up for damages resulting from faulty ratings of members. Clients and prospective clients of governments could gain some confidence in selecting a government to contract with based on the strength and quality of the association the government belongs to.

214. Operations Parallel with Coercive Governments

Noncoercive governments can operate in parallel with coercive governments to provide alternatives for clients and to help protect them from the coercive governments. This could be very helpful in a society undergoing a transition away from coercive government. The issue of whether or not a noncoercive government should cooperate with a coercive government would depend on the circumstances, but should not result in a violation of contracts with their clients nor cause harm to others.

Chapter 16

Clients and Government

A strong and colorful admonition was given to prospective clients of government by Lysander Spooner, which I think can hardly be improved upon:

That the only security men can have for their political liberty, consists in their keeping their money in their own pockets, until they have assurances, perfectly satisfactory to themselves, that it will be used as they wish it to be used, for their benefit, and not for their injury. That no government, so called, can reasonably be trusted for a moment, or reasonably be supposed to have honest purposes in view, any longer than it depends wholly upon voluntary support. These facts are so vital and self-evident, that it cannot reasonably be supposed that any one will voluntarily pay money to a "government," for the purpose of securing its protection, unless he first makes an explicit and purely voluntary contract with it for that purpose.⁴⁷

This shows quite clearly Spooner's conviction that government should be noncoercive, and that it exists for the purpose of providing protection under a voluntary agreement. The last sentence above describes well the situation in a free society. A client will, if he so chooses, subscribe to the services of private government. He will make a formal agreement with that government for its services. The contract, as with all proper and valid contracts, should define all mutual rights and responsibilities between the parties. The contract should include termination conditions, because the client, in a voluntary relationship, can also go to another government for its services, something he can do without physically changing his residence.

The whole purpose of a person contracting with a government is found in the essential two triads of government: securing protection of life, liberty, and estate properties with the

⁴⁷ Lysander Spooner, *No Treason: The Constitution of No Authority*.

enjoyment of freedom, justice, and peace. Note that one does not buy a pursuit of happiness from government, but if the preceding conditions are met, then one can pursue his own happiness in his own manner, under mutual respect for others.

Freedom for the client is achieved when the citizen effectively cancels his "contracts" with the coercive governments claiming ownership of him and establishes voluntary contracts with noncoercive governments that will protect him.

215. Residency and Citizenship

There is no State to grant citizenship and no State to swear allegiance to in a free society. This makes citizenship and permanent residency essentially equivalent. If a person moves into a region or community and declares in some manner that he is establishing permanent residence, then he is essentially a citizen. A person's place of identity then is where he permanently resides, where he was born, or where he grew up as a child.

When a child is born, the attending physician, midwife, parent, or witness can file a birth certificate with a local government registry. Adding a witness or having the certificate completed by the physician or midwife strengthens the authenticity of the certificate. The registry organization can add some other identifier to the certificate. That identifier might be used later in life as a confirmation of identity. The child's name, date and place of birth, and parents create a unique identity verifiable later in life. An identifier added by the registry organization also strengthens the identity. Physical identifiers can be added to the birth certificate to further strengthen the identity.

A person entering a community new to him might want to declare his status with a local government as a permanent resident, temporary resident, or visitor if he wants to enter into substantial contracts in the community. This can improve the confidence of others in the community in doing business with him and also helps prevent identity theft. Other confirmations of identity such as bank or attorney references could also suffice, as could technological means based on unique physical identifiers and electronic signatures. But a person might also choose to do none of these things, and live in a more anonymous manner.

216. Use of Governmental Services

As has been made clear, in a free society all use of governmental services is voluntary and cancelable. When it is said that every relationship between citizen and government must be voluntary and cancelable, then pretty much everything of importance has been said. Beyond that, governmental agencies offer whatever services they wish to offer, and everyone is at liberty to use or not use those offered services.

Rather than forcing itself upon people, government must convince people that it is to their benefit to use the offered services. Further, governmental agencies may themselves refuse to provide their services to some existing or prospective clients—all legitimate contracts are mutually voluntary. This can be a means of behavioral control, in that people behaving as criminals can be denied the protections offered by governments as part of the social ostracism applied to criminals.

217. **The Non-passive Citizen**

A society can survive in freedom provided it is structured appropriately and a significant part of its population maintains vigilance against coercion and fraud. If noncoercive government exists and coercive government is absent, then the basic necessary structure is in place. The rest is up to the people to protect what they have.

An active citizen could be found taking up responsibility for self, assisting others, and watching for cases of coercion or fraud.

People who want to be activists, such as caring for the needy or calling out cases of pollution or abuse, have plenty of room for their operations, provided they avoid coercion and fraud themselves and respect people and property.

The experience with representative governments to date is that the weakness of the governments is the weakness of the people. When voting citizens want something for nothing and are willing to let coercive government obtain it for them, corruption is unavoidable. When politicians must cater to the citizens to obtain and hold office, they will deliver to the voters what is necessary.

A criticism that can be levied against a free society is that its success is dependent on the integrity of the population. This is also true of societies with republican and democratic governments: if the population under elected government loses its integrity, it will certainly follow that the elected officials will also lose their integrity. Further, elected government can lose its integrity even while the population retains its integrity, but simply relaxes its vigilance and ceases to insist on high standards.

It was recognized from the beginning that the American experiment in elected government would always depend on the integrity, vigilance, and standards of the population and government officials. Some of the founders of American government had serious doubts about that dependence on the masses, but saw no alternative except to rely on the republican form of government, not the democratic form, and trust that the Electoral College, Congress, and State legislatures would rise to their responsibilities.

Both Thomas Paine and Benjamin Franklin foresaw an eventual end of American liberty. Generations of Americans participated in the process of exchanging freedom for empire and serfdom. Essentially any society can be taken over by State or Church if the people are willing for that to happen.

218. **Absence of Coercive Bureaucracy**

A free society will not have a coercive bureaucracy, which leads to the questions of who will take their place and do we even need their functions?

One serious failure in the vision of the founders of American government was that they did not foresee the essentially inevitable rise in permanent, massive bureaucracy. They thought of government as consisting of three components: administrative, legislative, and judicial. They established a system wherein the people could have some control over those components, even if it was an indirect control. They did not consider that bureaucracy would arise as a fourth major

component of government and would be left beyond the direct or indirect control of the people. In fact, the bureaucracy was established in such a manner that it was even left beyond the control of the other three components of government. The balance of power among governmental components failed.

Where some bureaucracies might actually have some useful function, a free society allows organizations and individuals to act in noncoercive manners to provide those functions. This allows people to watch for the existence of coercive or fraudulent activities, and for cases where responsibilities are not being met.

219. **Wealth and Power**

No societal system can succeed and benefit all if it does not take into account that people act first and foremost in their own interests. This includes each and every person in government. Elected officials in coercive government will do what is necessary to obtain and hold office, and will seek their own wealth and exercise of power. Bureaucrats will also seek to extend their exercise of power and their own wealth, which for them is to strive for large salaries and good retirement benefits.

Proprietary government is run by people who provide a service and seek to enhance their own wealth. Within a social system of equal freedom, they can not exert coercion and so have no arbitrary power over others. This is the strength of a system of proprietary government operated under the Principle of Equal Freedom: people can seek their own wealth, but they cannot exert coercive power in doing so.

One can argue that wealth itself is power. There is truth in the statement. A wealthy person might hire thousands of people to work on projects defined by him—that is a kind of power. But he can not coerce anyone, because he lacks coercive power. He can hire people, but he cannot use guns to control people.

If employees do not like their employer, they can leave. If they say they can not leave because they would lose their wages, it is they who have turned themselves into serfs.

Consider an impoverished village without electricity and clean running water. They can obtain these things in a non-coercive manner by pooling their resources (money and labor) and establishing a local system to provide the services. They might convince a regional provider of those services to include their village. They can implore regional companies to set up some business that allows them to earn the necessary funds while remaining in their village. They can seek altruistic sources of funds to obtain those services. They can move to locations where the services are available. There are also coercive options. They can take up weapons and take money from people in other locations so they can have the services. They can implore a third party, typically a political government, to take up weapons and take money from people in other locations so they can have the services. The first of these coercive options is theft and is frowned upon by contemporary society in general. The second option is also theft, but is generally accepted by society.

The essence of this problem is the question of whether or not poor people are entitled to use theft to alleviate their condition. In a society of equal freedom, the answer is that coercion is not allowed, and theft is coercion. They would have to use one of the non-coercive options. It

should also be said that in a society of equal freedom no one would create any impediments to the people in improving their situation, which is not always the case in societies with coercion.

220. Relationships with Governmental Organizations

The fundamental relationship between a free person and noncoercive government is that of customer and service provider. The relationship is defined by contract, and continues through a mutual exchange of money and services.

Governmental organizations have specific owners, those who have established the organizations and who are responsible for their operations and financial obligations. Clients are not owners, no more than a customer of a grocery store becomes an owner of the store through the act of buying groceries there. Accordingly, clients do not get to vote on who owns or operates the organization. If a client does not like the ownership or method of operation of a governmental organization, he can cancel his contract with the organization. If he thinks the organization continues to be abusive toward him, he can hire another government to protect him from the first, he can form his own protective organization, or he can move to another community.

221. Paying for Governmental Services

The contract between a noncoercive government and its clients defines payments to be made for its services. No person, no company, no government is under obligation to provide services, in particular protective services, to any other person in the absence of contract or payment. This does not mean protection would not be extended, only that there is no obligation to do so. Once payment is made for some service, then there is an obligation to extend the service.

In modern, complex societies, there is an advantage to individuals paying for protective services. There are also other modes of securing protection besides client-government contracts, including self-help and community help. In these latter cases, active citizens provide the protection under formal or informal arrangements.

Corporations and other businesses will pay for protective services as part of the cost of doing business, just as they do today. It is a routine matter for contemporary businesses to contract for protective services from private agencies, and would be no different in a free society.

222. The Free-rider Non-problem

If some people do not pay for some of the services they receive and use, will society collapse or will it find a way to survive and continue on? In contemporary societies under coercive governments, parasites abound, but obviously do not crush the societies. A free society should also be able to function in the presence of parasites. If society can continue on, there obviously is no major problem, only the relatively minor one of finding and billing the dodger. Once he has been billed for the service he used, failure to pay the bill becomes public record and affects his credit rating and his societal interactions.

There is also the case of the free-rider when there is no specific use of a service, but the

person benefits from other people paying for particular services. In the cases of generalized expenses such as defense, at least part of the problem as imagined by some is due to projecting current agencies into those of a free society, an exercise not necessarily valid. In other words, the worriers are making assumptions that might get in the way of their seeing the solutions that could be implemented in a free society. In any case, it is not necessary that we solve every imaginable problem in a free society before seeking freedom.

As an example, there is not necessarily a separation or distinction between police protection from internal criminals and military protection from external criminals who would invade and plunder if the opportunity existed. Anyone purchasing protection from internal criminals would also be paying for protection from external criminals if their agency provided full protection.

Corporations might be the largest supporters of protection from coercive threats, both internal and external. People buying goods and services from these corporations will be contributing to the maintenance of those protections.

Social parasites are a universal problem. The parasites can be found in large numbers in the societies of republican and democratic governments. We do not claim that these coercive governments should be disbanded because parasites can find ways to exist, so we should not eschew free societies because some parasites might find ways to exist in them.

Some control of social parasites can be obtained through ostracism. This can be effective to some extent for all except the most die-hard parasites who have completely given up their self-respect.

We always come back to the reality that not everything in a free society will work perfectly, nor will all individuals pay their own way—some individuals will resort to coercion and fraud in seeking advantages. Free societies will survive these anomalies.

Chapter 17

Preparation

Since there are no free societies within human civilization, they must be created. The few instances where free societies once existed, perhaps only two in Western Civilization, were the offsprings of wars that left the societies in political vacuums. The Dutch Republic, created more by accident, thrived in its period of freedom before succumbing again to monarchy. The American Republic tried to create freedom under political government, which inevitably succumbed to the push for a strong federal government and empire.

Much of Western Civilization is submerging again into the grip of strong States, now abetted by electronic surveillance and instantaneous access to personal records. It is a world going mad with police-State philosophy and advanced technology, with bureaucrats and lawmakers turning out new laws and regulations at an astounding pace. Privacy can be illegal. It is a world where police special weapons and tactics teams respond to shoplifting calls, pointing loaded weapons at innocent civilians and putting them on the ground in handcuffs; a place where innocent businessmen are charged with felony crimes such as money laundering when they make money transfers. Police and other government agents can be aggressive and abusive, but always found upon investigation to be acting within official guidelines.

In a world gone so mad, what chance does freedom have of surviving such assaults? The answer, of course, is none if citizens continue in their passive acceptance of States running amok through their freedoms.

Friends of freedom can wring their hands and tell each another how terrible conditions are; they can educate, motivate, and build businesses to counter the States; they can look for places to create new societies. The latter two approaches require some preparation and effort.

In his 1936 article "Isaiah's Job", which appeared in the *Atlantic Monthly*, Nock expressed his complete disillusionment with the idea of reforming the current system. Believing that it would be impossible to convince any large portion of the general population of the

correct course and opposing any suggestion of a violent revolution, Nock instead argued that libertarians should focus on nurturing what he called "the Remnant". The Remnant, according to Nock, consisted of a small minority who understood the nature of the state and society, and who would become influential only after the current dangerous course had become thoroughly and obviously untenable, a situation which might not occur until far into the future. – Wikipedia: Albert Nock

223. Objectives in Preparation

The ultimate objective is the creation of free societies. This requires circumvention or removal of the State, leaving no political government of any kind. Circumvention requires developing sites where States do not exist. Circumvention and removal obviously require different approaches, but they also have some aspects in common. In both cases, alternatives to the State must exist for essential societal functions. Also, the populations involved need to understand the nature of true freedom and how to live within it.

Freedom can exist only when people control their own property. No tax removes freedom to a greater extent than does an income tax—the very creations of people are confiscated by the State, with the State alone deciding how much it will take from its citizen victims. This is the most critical tax to have removed.

If the American union becomes the confederation as was originally intended, then the member States should have such a freedom of action that they have little incentive to actually leave the confederation. It is when the union is an empire, a tyrant government, that citizens want to remove their State from the union. Allow freedom, and they will have little desire to leave. Having the ability to leave is a hallmark of that freedom; not having an ability to leave is a hallmark of serfdom and slavery.

A critical objective in the evolutionary process is the development of private commercial organizations that operate in parallel with the State, and compete with or replace all essential State-operated services. Without them, a dissolution of a State could leave society in such a chaotic and dangerous condition that the population could accept the emergence of a new State as preferable to the chaos.

224. The Boétie Conundrum: Voluntary Servitude

It is incredible how as soon as a people becomes subject, it promptly falls into such complete forgetfulness of its freedom that it can hardly be roused to the point of regaining it, obeying so easily and so willingly that one is led to say, on beholding such a situation, that this people has not so much lost its liberty as won its enslavement. – La Boétie

This is a puzzle that must be solved before a population will set aside its State, which it could do at any time and in a quick manner, if only the people chose to do so. A widespread resistance to a State in the form of a boycott would bring it to a quick end. No violence is needed, only for the people to say, "I won't."

We can guess at the reasons why voluntary servitude exists. I hypothesize that the masses:

- Are besotted by propaganda and myth
- Willingly trade freedom for security: the bread
- Enjoy the pageantry provided by the State: the circus
- Are highly accepting of a gradualist approach to the theft of their freedom
- Have an innate emotional need for a leader who is also a father/mother figure.

Four and one-half centuries have passed since Boétie wrote his *Discourse*, with no apparent progress on the truths he uncovered. Is there firm reason to believe that more centuries will not pass under voluntary servitude?

An important point made by Boétie is that free people will fight valiantly against external threats to maintain their freedom, but once it is taken, will become accepting of their subjugation. In the curious case of America, where true freedom existed for a few brief years, people from within the population formed a minimalist State, then under the leadership of men like Alexander Hamilton began an expansion of State powers beyond the minimal condition to create the dominant State on the planet, with the often enthusiastic support of the American people.

Unfortunately, the majority of people beyond about their mid-twenties have become so ossified and besotted by propaganda and myth that they cannot be converted from statist to friends of freedom. If freedom should well up and engulf them, they would likely accept the results and be content with them, but they will not actively participate in the establishment of freedom.

A withdrawal of support can result in collapse of the State if done on a sufficiently large scale. It is up to the people to act in their own interests by withdrawing their support. It is worth noting that this isolation of the coercive State is similar to the isolation mechanism for controlling smaller-scale criminals.

In the present situation in the US, the population will not support freedom and the removal of the State—they would not even support a substantial diminishment and reorganization of the State, so immersed in its propaganda as they are. They almost universally buy the propaganda of terrorism issued by the US government. They are afraid of being free and taking up the risks and responsibilities that being free entails, so they accept the State's propaganda avidly.

Since friends of freedom are unlikely to change America in its present condition, we should, in a perverse way, look forward to the inevitable economic catastrophe coming toward us as both an object lesson for the populace and an opportunity for substantive change. Without a crisis severely affecting their well-being, Americans are unlikely to break away from their complacent servitude. Care is needed here, because such a crisis can also be manipulated to strengthen and expand the State, as happened in the Great Depression of the 1930s.

225. **Action for Freedom**

The achievement of real, enduring freedom requires the end of States and their replacement by proprietary, noncoercive governments. Any State can be brought to an end if enough people refuse to support it.

If opponents of a coercive government work to bring that government down by force, it might be expensive in terms of lives and properties lost, but also importantly that violence against the government might be a symptom of inadequate preparation for the removal of the government. If a political government is removed without agencies of private, noncoercive government already in place, an opportunity exists for a new political government to step in. Indeed, the populace might expect and want an alternative political government. Freedom's moment could be lost because noncoercive government is not functional at that time, and the populace has not been educated to expect and to support the noncoercive alternative.

Freedom's way is difficult and can be hazardous. It requires dedicated people who understand principle. The masses who live to be entertained, who do not look beyond the mundane, who accept myth and propaganda as truth, will not work for freedom.

Freedom's future is threatened—what remains of it. The 21st Century could be another dark century for freedom, hopefully not as violent and lethal as the 20th Century, but freedom could indeed be hunted 'round the globe, a fugitive seeking sanctuary.

Freedom cannot exist where it is unappreciated, undefended, or where principle is compromised. Somewhere in the future, perhaps well beyond the 21st Century, I think freedom will come to exist for some people—those who prepare for it and live for it. There is some possibility it can be achieved within the 21st Century in some locations, but only where people make it happen.

The assessment made herein that freedom might be a long time in arriving is in no way a statement that a gradual approach should be taken. Many people around the world, including in America, are suffering because freedom is lacking—to take a deliberately gradual approach is to further, and even condone, that suffering. That its achievement might take more than a generation should not be cause for pessimism with the friends of freedom. All progress toward freedom helps alleviate some of the suffering under coercion.

In my estimation, friends of freedom should focus on:

1. Minimizing the effects of coercion upon themselves, families, and associates, including possible relocation
2. Following a life pattern that is based on an “I won't” attitude to the greatest practical extent, including avoiding employment based on tax money, minimizing or eliminating the payment of income and other taxes, and not loaning money to the State—refuse to participate
3. Building personal and family wealth to achieve independence, especially amounts sufficient to carry through adverse economic conditions and kept in safe locations and in safe form
4. Creating businesses that compete with State services or otherwise help advance freedom
5. Creating and protecting capital concentrations that are directed to enterprises that can replace State services or otherwise help advance freedom
6. Keeping their children out of public and religious schools, or at the least offsetting their indoctrination in those schools
7. Educating others to counter the myths and propaganda from State and Church, and to show the benefits of using alternatives to the State

8. Planing and preparing for actions that could curtail or allow circumvention of State authority when opportunities arise, including the establishment of new, free societies
9. Advancing the secession and 10th Amendment movements within the United States
10. Repudiation of the federal debt.

Peaceful resistance and obstructionism are the weapons of choice.

Focus not on altering political government, which likely cannot be sufficiently reformed to enable real freedom, but more on building freedom through building personal wealth and creating businesses that can replace the State.

Minimizing or eliminating the payment of income and other taxes can be done with often modest changes in living and working modes while remaining within legal bounds. Creating a personal business can help accomplish this goal.

Two primary efforts appear to be necessary for the removal of a State in a manner that avoids chaos and a resurgence of the State:

1. Creation of business entities that take up the essential societal functions provided by the State
2. Withdrawal of support for the State to the point of its collapse and dissolution.

All productive actions would support at least one of these two efforts. Voting in favor of a less coercive State is notably not in the list.

There must be repudiation of all national debts. This is the most ethical course of action. Lenders expect, knowingly, to be repaid out of future theft—they have no moral right to such stolen money. In the case of the overwhelming debts of countries such as the US, repudiation is also the most practical solution to the debt problem, although the most likely course of action is effective elimination of the debts through inflation, which has serious collateral damage to the well-being of people.

What might actually happen in the US and many other countries is that the debts and interest payments will be serviced with fiat money, which is a highly damaging approach—it destroys the value of the money held by the citizens while supposedly paying on the debt.

A high rate of inflation, with perhaps hyperinflation, is not a certainty, but a strong threat nonetheless. The consequences of high inflation rates with the money supply, in particular the cessation of loans from international sources, could be so damaging to the State that it would be avoided even at the expense of a serious economic depression, potentially worse than the Great Depression of the 1930s. However, actions by governments around the world currently show that their fear of depression is stronger than their fear of inflation. This is not surprising since depression severely reduces government tax revenue, while inflation keeps the game going.

It is important to remember that the political leaders, including those heading the State's financial and monetary agencies, are going to be both incompetent and scared. Anything could happen.

226. **Nonviolent Approach**

A nonviolent approach to establishing freedom is obviously the best approach. It does not

violate principle; it does not cause destruction and deaths.

Changing from a dictatorship to a democracy has been explored in depth by Gene Sharp. His book *The Politics of Nonviolent Action*, published in 1973, analyzes the process.⁴⁸ This book has been used as a guide in several countries where people have struggled against dictatorships.

227. **Not a Revolution**

A State can be dissolved through acts by its lawmakers and administrators who declare within their legal framework that the State no longer exists and that its constitution and set of laws and regulations are no longer in effect. A State can also be dissolved in fact if it so completely runs out of money that its administrators, lawmakers, and enforcers all give up and go home to look for jobs. A turning over of a government by popular vote or revolution is not a dissolution of the State—the State continues while its members are replaced, possibly with some change in the structure and functioning of the State.

Changes in control of a country, whether through elections or coups, succeed where the new leaders have typically acquired support of the army, the industrialists, and often the religious leaders. Entrenched political leadership is simply too powerful to allow change, and the military and industrial leaders usually have nothing to gain from supporting would-be revolutionaries.

We can learn something from the socialist and communist movements, both their successes and failures with evolutionary (Fabianists) and revolutionary approaches. Fidel Castro led one of the rare revolutions that succeeded in gaining and holding a country. It was a true revolution, a turning over of a government. Freedom was not a goal; removal of the State was not a goal. He wanted the State to remain, only with him as its leader. In this, he has been highly successful.

The State is always the enemy of freedom. Freedom can be created only through removal of the State, not by turning over governments. Free societies cannot be created by revolutionaries coming out of the hills and forests.

228. **Not a Vote for a Political Party**

Freedom cannot exist in the presence of a State, and no modification of a State brings freedom. To vote is to endorse the State and its coercion. Voting for candidates for office might result in less coercion if voting is in favor of candidates promising less coercion, provided they hold to those promises. But it is always voting for some form and degree of coercion. I am one of those friends of freedom who will not vote in favor of any coercion, not in any form or degree.

A society controlled by a minimally-coercive State is not a free society. A minimal State is unstable, always prone to growing into a more-than-minimal State. Trying to vote a minimal State into existence will not establish freedom. It is an acceptance of coercion.

An evolutionary approach to establishing freedom, if taken, would require massive, consistent voting for parties and candidates who would act aggressively to reduce the size and powers of the State. This seems unlikely given the complacent acceptance of voluntary servitude found in all of the major countries, including the US with its pretensions toward freedom.

⁴⁸ See <http://aeinstein.org/>, an organization established by Sharp.

The US is such a large country with a complex structure that, if an evolutionary approach were taken, it should perhaps first return to being a loose confederacy. Then citizens could drive their own member State toward being a minimal State or free society.

The unavoidable issue in an evolutionary approach is that coercion, even if nonviolent, must be applied in the effort to reduce and eventually eliminate the State's coercion. There is a moral factor in this issue, and a practical one as well: coercion seems unlikely to result in less coercion. The American War for Independence was a case of force being applied against a foreign power controlling the colonies. It was a morally-justified action and resulted, for a time, in less coercion for Americans. The case of the French Revolution, which many hoped would mirror the American results, was a catastrophe, with the monarch being replaced by dictators.

The only voting I can think of that I would consider moral is voting for a full slate of office holders who will implement dissolution of the State, its constitution, its taxation mechanisms, and all of its agencies and employees. If in such an instance a part of the population objects to the removal of the State, I have no sympathy for them. Removing a source of coercion without violence is a moral act, and those who are unhappy with that removal have no moral basis for opposition.

229. **Planning for Defense**

Thugs, those working for States and those who are free lance, have been present through all of human civilization. They are present in abundance in contemporary civilization, and will undoubtedly be so on into the future.

People wanting to live free must take the existence of the thugs into consideration if they want to become free and remain so. People living in freedom are probably far wealthier than the thugs, and make tempting targets. The territories in which free people live will be attractive targets for annexation by coercive governments in the neighborhood.

The importance of defensive preparations has already been demonstrated. Two attempts were made to establish free societies in the Caribbean, another in the Pacific. Two failed because of no defense: neighboring governments sent a gunboat in each case, and the settlers abandoned their land rather than defend themselves. The other failed for technological reasons: the floating habitat sank in a storm.

230. **Defining the Free Society**

Since there can be a range of societies that can be considered to be free societies, some issues should be settled early on. Too often splinter groups dissolve into dissension after they are established. This possibility can be reduced by having a clearly defined premise for the group without the ground rules being overly restrictive and inflexible. In particular, property rights and protections should be clearly established.

If a settled area is being converted to a free society, the objectives and principles need to be disseminated and explained to everyone involved early in the conversion process. This was not done in the case of the Dutch Republic, which I think was a major factor in the eventual failure of the republic.

Leaders naturally arise in groups, as they will in free societies. It is crucial that leaders do not acquire political, coercive authority, because that would obviously undermine the concept of the free society. Charismatic leaders can be especially dangerous in this regard. People who are planners of systems that are being organized too often become enamored with their paper creations, and want to force their concepts on others.

A free-market system develops order through a self-organization process. It uses no central planning and no arbitrary regulation and licensing as found under coercive governments. In fact, the entire society develops order through self-organization—there is more to a society than its market system.

231. **Communications and Coordination**

A system of Internet Web sites could provide important means of communications and coordination. Some of the uses include:

- Registries of friends of freedom and principled businesses
- Commercial interactions
- Informative and emergency notices
- Assessments of economic and political conditions
- Coordination or simple listing of relevant conferences
- Coordination of mass protests, both street demonstrations and protests by e-mail and letter
- Tallies of people protesting political leaders and political actions.

Numerous Web sites have already been created by supporters of freedom, most for news and education. Some of these might already provide some of the essential functions or could be readily adapted to do so.

Secure communications is important for planning and coordination among those involved in transition activities. Encryption methods are readily available, but in a matter of great irony are more restricted in America—the land of the free—than in many other countries.

Cell phone networks and communications satellites can be alternatives to the Internet, and can also operate in conjunction with it. These two systems might in some cases prove to be less susceptible to government control and monitoring, but are vulnerable unless encrypted.

232. **Parallel Agency Development**

There are two strong reasons for creating parallel agencies. One is to demonstrate the successful operations of proprietary agencies to doubters in the population. The other is to have those agencies functional as the agencies of the political government fail in the case of general failure of the State.

The more ideal process of transition from coercive government to noncoercive government is to have the essential elements of noncoercive government in place and functional before the termination of coercive government.

The breakup of agencies of political government into private companies during a time of

transition seems unlikely to be adequate where important functions are involved. As new private organizations, they will lack credibility with the public, the staff and managers will lack experience operating as a private organization, the transfers of ownership could involve substantial corruption, and the organizations might lack adequate operating capital. The chaos and corruption seen in Russia and former Soviet satellite countries are a potentiality for any country undergoing a transition from a strong State to a minimal State or a free society.

Where governments fail and leave political vacuums, it is more probable that despots will arise rather than freedom. Where friends of freedom have prepared and set up functional organizations, freedom has a much higher probability of emerging and lasting. Good preparation is essential.

Successful transition of an existing society to noncoercive government requires the existence and operation of noncoercive government parallel to the coercive government to minimize the possibility of criminal anarchy and emergence of a coercive replacement government.

Obviously parallel agencies will be subject to interference from coercive governments. The more critical the operation, the more likely it will be opposed and the more intensely it could be opposed. Entrepreneurs competing with the State must be clever and careful to avoid being crushed.

The book *Street Smart* (Gabriel Roth, ed.) contains discussions of the benefits of private roads and how to transition government-monopoly roads to private roads. At the time of this writing, the State of Pennsylvania is considering the sale of its Pennsylvania Turnpike to a private owner, but there is substantial popular opposition to such a sale.

Shadow governments can be effective at all levels, from federal through municipal. John Williams' Web site *Shadow Government Statistics: Analysis Behind and Beyond Government Economic Reporting* (<http://www.shadowstats.com/>) is an example of such an effort. It enables people to see economic conditions without government's attempts at obfuscation.

Similar efforts at State and local levels could monitor the corruption and adverse acts of officials, and help people understand the consequences of the actions of those officials.

233. Important Businesses

Several kinds of businesses are needed to provide important services during and after the transition. Key among them are registries, banks, currency systems, and insurance/assurance companies. States recognize the importance of these businesses, which has resulted in the businesses being highly controlled or essentially driven out of existence if they do not conform.

Part of the parallel services should include registries of several types, including identity protection, proper copyrights, proper patents, births, deaths, marriages, and property ownership.

A special kind of registry important in replacing the State is a registry of companies and other businesses that certify that they do not do business with the State and do not use advantages available from the State. Friends of freedom could associate with these businesses both as customers and investors.

Other registries, open or secured, could include people wanting to be identified as a friend of freedom in some manner, possibly with an electronic signature to prevent counterfeiting their identity. Such registries could provide both advantages and dangers for the users.

Banking is among the more critical services needed for a successful transition. The options are to set up dedicated banks run by friends of freedom or to use the most trustworthy commercial banks. Both approaches have their strengths and weaknesses, which need to be evaluated carefully in making decisions.

Currencies other than the States' fiat currencies are important, so important that where alternate currency systems have been set up in the US, they have been attacked by the federal government to the point of their either going out of business or being forced to conform to government control. Where such businesses have been set up outside the US, but open to US citizens, the US government has successfully pressured local government to curtail or end the businesses.

Friends of freedom should not assume that existing commercial and private banks will be adequate for the transition and beyond. First, nearly all of them are under strong control by the States. Their methods of operation are regulated and their records are visible to their States. Second, nearly all of them are interconnected in interbank lending that might fail under duress, leaving them unable to meet their obligations. Third, these banks are subject to being closed temporarily or permanently by the States.

Friends of freedom should avoid the use of banks and other financial organizations that provide loans to the State, as much as that can be done. Those loans make the State stronger.

Insurance/assurance organizations are very important, and like banks are typically highly regulated.

234. **Education and Motivation**

The looming economic/fiscal crisis is a major opportunity for the reformation of American and other political governments. A massive educational and motivational campaign by friends of freedom has the potential to help bring about substantive changes in favor of freedom.

The nature and causes of the crisis need to be publicized, along with the actions people should take to protect themselves and to prevent a recurrence.

Education of the populace needs to be expanded well beyond current educational efforts by libertarians that emphasizes the immorality and dangers of government coercion and superiority of private sources of services. It needs to expose the large-scale economic failures of government and provide information on how to best survive those failures. It needs to provide information on the transition to a free society.

Liberation of the mind is essential for the individual wanting true freedom. It is essential for the greater population if true freedom is to be established for a society.

Educate people to use the two primary resolvers: "What is in the contract?" and "whose property is it?" You cannot morally demand something from another that he has not agreed to provide, unless it is restitution. If something is not your property, leave it alone.

Educate and motivate people to follow simple principles such as: mind your own business, let people be if they are not harming another, and there is no such thing as a free lunch.

Friends of freedom should keep their children out of religious and public schools, where children are subjected to propaganda and indoctrination into coercion, authoritarianism, and irrationality. Ideally, the children should be home schooled or placed in carefully selected private

schools that teach individuality and principles of freedom. If that cannot be done, then some supplementary education could be done through home schooling, summer camps, part-time academies that teach appropriate philosophies, and numerous other possibilities.

Getting a large fraction of the populace to overcome their indoctrination appears to be next to impossible in contemporary society. If this is so, then only a populace educated in a free society will support a free society. How then do we proceed under this condition? The most certain approach is that the educated few leave and start anew.

235. **The Myths of Time**

The myths of time are defined in the Old and New Testaments of the Bible, in the Koran, and in the fundamental sources of other religions. Other myths, more related to nationality and ethnic groups, are more recent creations and are often oriented toward the State.

The system of myths supports the institutions of State, Church, and War. The myths and those institutions have been intertwined since the beginning of civilization.

The myths glorify kings, empires, and wars. They convince people that wars and other forms of killing are supportive of their gods, and are desired by their gods.

The myths counter rational thought and objectivity. Where people hold to the myths to the extent that the myths dominate their lives, the people cannot be fully rational and objective. America is a prime example of a country where public schools teach a mythologized history so effectively that most of the graduates believe that coercion is freedom.

Religious fundamentalists are strongly, emotionally committed to the concept of a powerful authority over their lives. They quite commonly have no tolerance for people who do not hold to their beliefs and their psychological outlook. They are all too often convinced they have a right, if not an obligation, to use coercion to enforce conformity.

Richard Dawkins and Ze'ev Herzog, among others,⁴⁹ work to eradicate religious myths, but in doing so they also work to establish freedom, because those same myths support the State and War along with the Church.

Freedom probably cannot be established and maintained in society at large while the myths dominate the thinking of most of the people in society. This is another reason to think that freedom might not be established except in new societies populated with people who are rational as well as ethical.

The mutual reinforcement effort between State and Church in America is a highly effective one. The indoctrination given children and young adults in State-controlled schools and in Church classes convinces a large fraction of young people that they must look to authority figures beyond themselves in determining how they should live their lives—that they should not go through life as independent, skeptical free-thinkers. Only a small fraction of them are able to break out of their indoctrinations. This leads me to conclude that as long as the State controls the educational system, as long as political leaders posture as devout religious believers, and as long as Churches teach that patriotism means being loyal to the State, it appears to me that America is

⁴⁹ Thomas Paine should be mentioned as one who sought both rationality (*Age of Reason*) and freedom (*Rights of Man, Common Sense*).

unlikely to turn to rationality and freedom. A similar situation exists in nearly every other society on Earth.

236. **The Role of Technology**

Technology will undoubtedly play an important role in the transition, but the nature and extent of its role are unknowable for now. Certainly knowledge base, communications, encryption, and artificial intelligence technologies are important. Bioengineering, life extension, and nanotechnology might have major roles as well.

The consequences of many tangibles becoming cheap to produce, perhaps at negligible costs to the consumers, could substantially alter the status quo and affect financial markets. Funds needed to sustain a comfortable life would drop, so many people could choose to take smaller salaries, reducing the largest source of tax revenue for the State.

237. **Personal Preparation**

The single most important thing for the individual to accomplish is creating personal independence. An important part of this is to build personal wealth, although independence can be achieved without great wealth. When it comes to minimizing the effects of the State upon oneself, there seems to be no substitute for financial independence. Personal wealth needs to be protected from State control and confiscation.

Friends of freedom should live in a way that fosters the ideals of liberty. This means they should fully respect the properties and liberties of others. They should build personal and business relations with people holding libertarian ideals.

The serious friend of freedom could:

- Make extensive use of the Internet for business, education, and coordination, while being mindful of government control and monitoring of the Internet
- Strive for privacy and self-protection
- Verify the identity of associates, use e-signatures as much as practical
- Reject indoctrination by State and Church, and act to counter such effects on others
- Adjust purchasing patterns to avoid or minimize paying taxes
- Use the underground economy when practical
- Study and develop techniques on how to achieve personal independence and liberty
- Work others who are living by principles and striving for freedom.

Franklin Roosevelt made gold ownership by Americans illegal in the Great Depression. In the gold price runup in 1980, members of Congress were openly critical of Americans speculating in gold—the speculators were harming honest, hardworking Americans, according to the lawmakers. The government took some anti-market actions to counter the runup in precious metals. When government-created monetary and price inflation hit again, expect lawmakers to blame individuals and non-government organizations for the consequences, with some possibility of laws being passed against non-commercial users owning precious metals.

238. Economic and Other Resistance

Every person has a moral right to ignore the State to the fullest possible extent. In practice, one must be concerned with potential repercussions, and make his own decisions about what actions he is willing to take in view of those repercussions. Taking a stand on principle to the extent of one's financial destruction or incarceration is obviously not helpful to oneself, and is unlikely to be of help to other friends of freedom.

Mohandas Gandhi showed that passive, and often painful, resistance can lead to progress. However, the fact that the British were occupying a foreign land was an advantage for Gandhi. He was able to both play on their conscience and make continuance of the occupation costly for the British. The British eventually left India and went home.

The problem for America and other countries is that the coercion is home grown. The political leaders, their economic backers, and their minions are in their home country—they cannot pick up and go elsewhere. If they give up their coercion and its advantages for them, they will suffer personal loss. Nonetheless, resistance is helpful, and it might actually induce a turnover or reformation of the political government.

To this end, do not support the State in any voluntary way. Do not work for the State directly or indirectly, e.g., as a contractor. Strive to pay the minimum necessary taxes to the State. Choose private services instead of government services to maximum practical extent.

Friends of freedom can do much for themselves and in setting examples for others by using alternatives to the State whenever needing services. This includes avoiding use of the State's currency whenever practical. They should not make loans to the State. They should not take employment with the State, or with companies that support the State or rely on tax-based contracts with the State.

To the greatest practical extent, do not buy from or support in any way those corporations that are part of the military-industrial-political complex.

Some friends of freedom might provide a beneficial service by compiling a rated list of the corporations that are part of that oppressive complex. It should be on a global scale and it should rate the corporations by their degree of voluntary participation in that complex. Such a compilation might also usefully include a counter list of those corporations and other businesses that make an effort to avoid supporting the State.

If you vote, always vote for the least coercive candidate and always oppose tax increases, bond issues, and new regulations. Always vote against socialism in any form.

239. Local Government

Local government is the most susceptible to change by voters: city, county, and regional government can be the most readily changed to provide some relief from coercion.

Pressure can be applied to local governments for privatization of the services provided by the governments, including education, fire protection, libraries, water and sewerage, and waste collection. Changeover might be more readily implemented in times of economic recession, when the budgets of local government are under duress. This changeover makes elimination of

the local governments easier in the time of transition.

If enough change is made locally, the effect could be felt at the level of the big State. Further, it shows the population that they can act to remove some of the coercion that they live under. Success would also be an educational event, showing the population the extent to which they have been placed in serfdom to the State.

Campaigns could be waged under the premise of bringing sanity, fairness, and integrity to local government, factors that seem to be universally lacking in contemporary local government.

240. **Previous Experience**

The American experiment with freedom shows that:

1. Freedom is most readily established in a place without existing institutional coercion and fraud
2. The establishment of any State, however small and constrained by written rules, will in time become a large and powerful State, exerting control over society and perhaps creating an empire.

Thus no institution seeking control of people can be allowed to gain dominance over people, either through coercion or fraud.

241. **Special Case: Reformation of the United States**

Attempting to change the US federal State into a minimal State or a free society in a single reformation movement seems unlikely to succeed except in the case of a breakdown of the central government preceding the movement. Such a breakdown is possible, and becoming more likely as the result of economic catastrophe. Citizens must want, and be prepared for, such a massive move away from coercion, and strong parallel agencies should already be functional prior to such a reformation attempt to have a good probability of success.

Successful change might be more probable with a movement to curtail federal political authority to a condition where the US has returned to being a loose confederacy of member States, each with autonomy to follow their own governmental preferences. The member States could then transition to minimal States or Stateless societies as their populations might choose.

Those transitioning to Stateless societies would be more secure in their freedom by total secession from the union. Prompt action rather than a gradual approach would lessen the hazard of becoming caught in a potential resurgence of the federal State, which should be considered a perennial hazard.

In the current circumstance of a strong federal State under the control of power-hungry authoritarians, secession by one or more member States is very unlikely to be tolerated. Americans must first demand and enforce a major reduction in federal authority sufficient to reform America into a loose confederacy or at least a federal State that would tolerate secession by member States, however ungraciously that might be done.

The trend in the US is unequivocal: The federal State is increasing its authority at a rapid

rate.

It appears to be the case—by strong evidence described earlier—that freedom could no more emerge in America or Europe today than something like the American experiment could have emerged in Europe in the 18th Century. Freedom, as in the 18th Century, requires new ground, or a small country where the people are willing to totally privatize government and eliminate all political structure. The first of these approaches seems the most likely to succeed.

Freedom cannot be reestablished in America without major curtailment of federal authority and giving up the American Empire as the first step in the process. The reformation must proceed to the point where America is again a confederacy and where secession is tolerated—otherwise any movement toward freedom has failed. That point is not the end point in the process, only a necessary early step along the way to freedom.

Such changes in America require pressure from its citizens—politicians and other coercers will not willingly give up their coercive powers. Citizens can effect changes only through voting and revolution. Given the strength of the US military and police forces and the powers that have been acquired by the presidency, violent revolution is not a viable approach.

Voting in political processes has both moral and strategic issues. All political processes are anti-freedom because they involve coercion. Voting is participation in coercion, with a few exceptions described earlier.

Choosing the lesser of two evils still leaves one with an evil—which is what one faces in political processes. However, if one believes that voting for special candidates reduces the general coercion and provides some protection for himself, then perhaps there is some moral justification for wise, selective voting. I have not voted in 30 years and expect that I never will.

There is also the strategic side—is wise, selective voting actually effective? The answer in the US, at least, appears to be “No.” One is likely better off ignoring the political processes and concentrating on his personal freedom and wealth-building, and supporting efforts to create truly free societies.

242. **The Crisis**

Looming problems suggest multiple crises are possible across the next few decades. The onset of the economic crisis begun in 2008 might lead to economic hardship that could endure more than a decade. If combined crises of US dollar collapse, energy shortage/high cost, and climate change develop together, then economic and political dislocations could continue throughout much of the 21st Century and have a global range. The cause of freedom could be advanced or retarded by the changes.

There is some possibility the American Empire could endure for centuries into the future—along with a Chinese Empire and a resurgent Russian Empire. Much depends on the magnitudes on the looming crises and the successes of political and religious propaganda. The US government is approaching a situation somewhat like Rome faced in its centuries-long decline: runaway costs combined with limited tax revenue.

The US government runs on massive amounts of debt, both new debt and existing debt that must be continually renewed. The US dollar will weaken substantially at some time and the debt game will be in trouble. Many lenders could cease lending, moving their funds elsewhere. The

lenders who remain will be able to dictate terms and conditions to the US government. The newer generations in America will have something to say in the matter, possibly refusing to take responsibility for their parents' debts.

The use of nullification laws, under the 10th Amendment of the US Constitution, by the member States would substantially reduce federal authority if broadly implemented. Any reduction in central authority should have a beneficial effect.

As a result of the potential crises, the US government might alter radically, possibly within a few decades, devolving into a reduced organization, or it might exist, like the Roman Empire, as a harsh, warlike government for several centuries.

In planning for reformation, consideration should be given to a series of steps that are necessary. These might be best described as:

1. Retrenchment of the federal State's political and military strength
2. Secession of member States and devolution into smaller political entities
3. Replacement of essential State-provided services by proprietary services
4. Elimination of authority to impose taxes followed by final dissolution of coercive government.

In the case of the American Empire, this process seems likely to require several decades or centuries. This empire, and any others that might arise, must be ended for the good of all people and civilization itself.

Secession by several member States appears to be the only way to reduce and limit the coercive power of the American Empire. If Americans elect politicians who then successfully reduce the powers of the federal government, that success can be undone by other politicians at a later time. This could happen through gradual restrengthening of the federal government under a lax populace and by power grabs during times of duress.

The federal government is certain to strongly oppose secession efforts. American presidents can now use the federal army internally against American citizens, such use to be decided by the president alone without consent from Congress.⁵⁰ Along with federal troops, militia (National Guard) from other member States could be sent into any State declaring secession. This creates a large threat to the success of secession movements.

If federal powers can be curtailed, then secession should take place to help prevent restrengthening of the government.

Secession movements are active in several member States of the US, including Alaska, California, Hawaii, New Hampshire, South Carolina, Texas, and Vermont. The philosophies among the several secessionist movements include libertarian, socialist-environmentalist, and simply local-rule. If secession should happen, the actuality of what those States become might

⁵⁰ The John Warner National Defense Authorization Act for Fiscal Year 2007. Sec. 1042 of the Act, "Use of the Armed Forces in Major Public Emergencies," overturns much of the Posse Comitatus Act of 1878 which limits the use of the regular military within the US borders. However, in the case of secession by member State or Territory, even the Posse Comitatus Act allows use of federal armies in those places.

have little to do with the intentions of the lobby movements.

Secession by member States will not necessarily result in increased personal freedom—that will depend on how each State develops following secession. If freedom of movement by US citizens is allowed among the secessionist States, then at least people could move to those States they find most suitable for themselves. Such freedom of movement could, through something like free-market competition, result in States increasing their respect for personal freedoms. Some secessionist States might evolve into Stateless free societies.

243. **How to Engage**

In the changes ahead, friends of freedom might become victims or they might become leaders able to influence the changes. Much depends on what the friends choose to do and what they are able to do. Some contemporary libertarians are not only not preparing for what lies ahead, but are denying the realities of some of the changes, choosing to believe the threats are government inventions designed to take away more freedoms. This attitude is not adequate.

People who can see that something is wrong—truly wrong by principle—and who have an ability to do something about it might feel a moral impetus to correct the wrong. That is a personal decision, but not an obligation to society.

The one great example of freedom, however temporary it was, growing in a civilization of coercion and exploitation happened when people went to a place where freedom and opportunity could be found.

Those who want to change existing countries, ruled by States, into free countries surely recognize that they are small minorities. In the US as elsewhere, the majority of the population does not want true freedom—they are content to have a strong, centralized State: the Boétie conundrum. The friends of freedom who want to change their countries almost certainly have a long, arduous path ahead of them, one that could take centuries to reach their goal.

The other way to engage the forces of coercion is to disengage—to go beyond their reach. This would be the easiest and most certain approach if only there was some place to go and enough people willing to go to establish a successful free country. However, economic well-being is the great motivator for most people, and people can gain economic well-being, at least for the present, in the US.

The places on Earth where free, Stateless countries could be created are very few. Some small islands, purchased or built up from the sea floor, are possibilities. Perhaps Greenland if enough friends of freedom went there and successfully gained sovereignty for the island or parts of it. Climate change might turn parts of Greenland into reasonably comfortable places to live and grow crops—or technology might enable sufficient food production even with current temperatures. Other possibilities are regions nominally within the boundaries of a State, but which are autonomous and essentially Stateless, such as Catalonia.⁵¹

Otherwise, the best locations are beyond Earth.

⁵¹ Moreno, 2006.

Chapter 18

Implementation and Transition

If one assumes that the present societal structure is as good as it can possibly get, then he believes there is no need for any further evolutionary, or revolutionary, changes in either government or societal structure. If one sees that societal structure can be further improved, then there is need for change in the further pursuit of freedom and justice.

There are two basic approaches to establishing freedom: change a society or create a new one. Both are sometimes feasible; neither is easy.

The objective is to establish noncoercive government by replacing coercive government without civil war, or by circumventing coercive government. An evolutionary approach is a process of decreasing State powers and taxes across time, removal of income taxes, and allowing secession from the federal government. This process relies on voting (which is unacceptable for some friends of freedom) and requires generally consistent action across time by the voting public—the same people who gave away their freedom in the first place.

A revolutionary approach involves a rapid turnover, which requires a major event such as widespread refusal to support the current government, or collapse of that government from financial catastrophe.

A circumvention approach is based on establishing a free society at a site outside of State control, drawing population from existing States.

With any approach, a new free society must have noncoercive government agencies of the types described in earlier chapters in place to provide essential services related to protection of lives, liberties, and properties to assure success. In this world of violent and lethal coercion, such protection is essential.

The replacement of coercive government by noncoercive government and the establishment of societies of equal freedom will be a massive, long-running effort for humanity—it is a reformation of civilization. It seems likely to happen in a piecemeal manner that is influenced by regional conditions. The implementation of equal freedom societies needs leadership and

guidance; it needs leaders of a new kind—guides instead of controllers. Planning and preparation are essential to avoid chaos and harmful outcomes.

Implementation of noncoercive government in the presence of coercive government will take perseverance and patience. Society, or at least a substantial part of a population, must be ready for the change and several conditions must be met to have a good probability of successful change to the new society. At the present time, the populations of probably all countries would be opposed to the establishment of full freedom, and certainly their political leaders would be opposed.

Establishing free societies through coercion or fraud directed against individuals is contrary to the Principle of Equal Freedom. The use of force is justified only by defense against coercion.

The following considerations apply to efforts at implementation and transition:

1. In any large contemporary country, it is nearly impossible to convince a major part of the population to take up true freedom.
2. Converting a country through majority voting is coercive, contrary to the concept of liberty through the removal of coercion. Education and exposure of statist propaganda are not coercive, nor is conversion of a country through education and other nonviolent action.
3. Violent revolution to convert a country is likewise coercive and contrary to liberty. In contrast, throwing off the shackles of a foreign government or removing a dictator is not contrary to liberty, but is a defense of it against tyranny.

Liberty imposed by coercion is not liberty—it is just a new tyranny with a better name.

244. **Modes of Implementation**

The possible modes of implementation on Earth include:

1. Evolution of a political government, which most probably would be of republican form
2. Development of new sites without an existing political government, possibly requiring the construction of fixed or floating islands
3. In the negotiated establishment of an enclave within the territory of a State
4. In the release of territory claimed by a State, including secession of such territory
5. In the fragmentation of a country and its political government with opportunistic emergence of noncoercive government in a fragment
6. In the collapse of a political government followed by opportunistic replacement by noncoercive government
7. In a forced turnover of a coercive government and replacement by noncoercive government.

The establishment of an equal freedom country on Earth through evolution would require a country whose population is educated and wanting or willing to experiment and a political government responsive to the preferences of its population.

Greenland and Chile are two of the possibilities. Chile, because of its geometry, might be willing to allow an enclave or to grant sovereignty to a small part of its territory. In general,

though, separatist movements are strongly resisted by established governments. Nearly every State is willing to expend the lives of many of its citizens to prevent any loss of territory, including cases of its own citizens wanting to secede.

The US has evolved into a State where the population is expected to be responsive to the preferences of the government rather than the government being responsive to the population. It seems an unlikely country to take a leading position in the evolution of republican government into an equal freedom society. Countries that have become members of the European Union seem unlikely candidates because of the rigidity and more complex structure of the union, even if some of those countries have populations that might be willing to try the experiment. However, this does remain a possibility in a few countries if they can evolve toward a minimal coercive government and secede from the union.

Some interest exists in evolving one or more of the member States of the US into libertarian minimal governments. This of itself will not achieve freedom since the federal government is the greater denier of freedom. A free society could be achieved here only by successful secession of the evolved member State, followed by further evolution from a minimal coercive government into a free society.

Some of the countries that are unlikely to evolve into equal freedom societies might become candidates if economic conditions bring about the failure of their political governments. However, this is a dangerous condition—history has shown these are the times in which dictatorships and other highly repressive governments can easily form. The US government faces a substantial possibility of such a governmental crisis within a few decades, with a totalitarian government potentially arriving while its propaganda machine announces that democracy has been saved. This might also be a time in which the US might fragment into two or more territories.

The several possible sites of implementation beyond Earth are Luna, Mars, an orbital city, and asteroids. Sites beyond Earth offer the advantage of not having long-established political governments to impede the creation of an equal freedom society. The technological challenges and costs of operating essential infrastructure could make them difficult choices. This approach can happen only when governmental monopolies on space transportation and other operations are broken.

245. **Ethical Base**

A society of equal freedom requires a substantial base of ethical people to assure its success. This requirement can be met by a small society made up of ethical people or development of ethical behavior in a large population.

246. **Approach**

Many details of the approach obviously depend upon the circumstances of implementation. A dissident group starting afresh in a new site will face problems different from a group attempting to convert a region that has long been under the control of coercive government. The nature of the two populations in those cases are quite different. In general, the following steps are

necessary:

1. Establish centers of guidance and leadership
2. Develop organizations of cooperating individuals, groups, companies, and proprietary governments
3. Assure the existence of essential elements of the societal system
4. Education and motivation of people
5. Replace coercive government in a gradual or rapid exchange.

The particular case of converting a political government of republican form through a process of evolutionary reform might include:

1. Electing people to office who are committed to reform and will pursue it effectively
2. Decentralizing political power to more localized governments
3. Reducing the collection of taxes
4. Reducing the sizes of governmental departments and agencies
5. Periodically revising the constitution to restrict governmental powers
6. Converting departments and agencies into private companies, including regulatory agencies, which would give up their coercive controls
7. Removing all governmental monopolies, including defense, police, and currency and banking
8. Eliminating all coercive collection of wealth from people and eliminating all coercive or other arbitrary control of people (requires repudiation of all debts incurred by the political government)
9. Converting to definite ownership of the old political government or dissolving it and its constitution.

This evolutionary process could be a long, slow one, requiring considerable dedication on the part of the reformers. The process would need to be repeated or done in parallel with the more localized governments. This process could be applied to any and all political governments on Earth provided their populations insist on the changes.

If some degree of reform is implemented in the US and its urge to empire is curtailed, the secession of one or more member States is more likely to be tolerated in the coming decades than was the case in 1861. Secession of some member States would likely increase the speed of reform in the US.

However, maintaining even a reformed political government is coercion. Citizens remain serfs, controlled by rules, however improved the rules might be, and subjected to theft of their properties, however much the tax rates might be reduced.

247. **Essential Elements**

Several elements are necessary for the successful creation and operation of a free society. Adequate developments of these elements are essential:

1. Proprietary governmental organizations
2. Proprietary judicial organizations
3. Population ethics
4. Communications, databases, security, and identification systems
5. System of commerce and banking
6. System of infrastructure and services.

It is best to have these and any other identified essential elements in place prior to establishing noncoercive government in a large, modern society. Without them, the transition will be more chaotic and have a greater probability of reversion to coercive government. The masses of people dubious about the change are more likely to accept change if they are confident the essential elements are in place and will be effective.

248. Major Threats and Opposition

Two primary sources of potential attacks on a developing society of equal freedom are:

1. Counter action by coercive government
2. Criminal actions that could come from massive unorganized events, local crime organizations, and major crime organizations.

Coercive governments can create prohibitive laws and use law enforcement, military, and clandestine units to impede implementation of proprietary government. Criminal organizations could make open attacks or infiltrate a free society to run their activities.

Other opposition will come from individuals and groups with three primary motivations:

1. Those who would lose the ability to define and control the lives of others
2. Those who would lose benefits they receive from political government, ranging from welfare recipients to industrial companies protected by coercive government
3. Those who fear change.

The least intense opposition will come from those who simply fear change, but they will likely be the largest in number and the most important to win over to supporting proprietary government. Those who would lose benefits could provide substantial opposition, but it would likely be in the form of demonstrations and intense lobbying efforts. Politicians could find ways to make use of this opposition. A fraction of those who would lose benefits are people who would suffer true hardship without the benefits—they must see a solution to their problems.

Those who would lose the ability to control others will form a vocal, active opposition of possibly great strength. They will include political, labor, and religious groups that can make use of the resources of the State and media. Disinformation and scare tactics will likely be used extensively. Extra-legal actions and tactics can be used effectively by these groups and have been in the past with respect to dissidents.

The Declaration of Independence by the American colonies was successful because those people were willing to defend their sovereignty. Without that defense, their declaration would

have been futile. Two centuries later, free-society groups attempted to establish enclaves on islands in the southern Bahamas and in the Pacific.⁵² Both failed upon the arrival of gunboats from nearby countries—those free-society people were not willing or able to defend themselves against attacks. The world is filled with thugs employed by States and warlords, and others who are freelance thugs—as it has been for many millennia. Friends of freedom must never forget this truth.

249. **Threatening Conditions**

The effort to establish free societies, and ultimately a free civilization, should not be considered out of context of economic, environmental, cultural, religious, and political conditions. Currently, trends are in place that seem likely to have adverse impacts on the establishment of freedom and on civilization in general:

- Economic instability from excessive State spending and debt
- Energy supply disruptions as demand increases and petroleum supply levels out and then declines (hopefully at a moderate rate)
- Potential climate change effects over coming decades
- Population size vs carrying capacity of land with respect to food production and availability of water
- American empire expansion
- Wars and other violent conflicts
- Increasing political government surveillance
- Increasing political government intervention in economies and industries
- Strengthening of radical religious movements, especially in America and Islamic countries
- Rejection of rationality
- Rejection of self-responsibility.

All of these factors are real—they exist at the present time. Some are clearly getting worse.

We should expect some synergism among the factors. The population of Africa already appears to be beyond the carrying capacity of the continent, at least in some regions. Climate change might be a factor in further reducing the carrying capacity of the continent. A reduction in, or even possible cessation of, the Gulf Stream current could reduce temperatures in Europe and the eastern US, with adverse impacts on food production and energy needs. European needs for imported food and energy supplies might substantially increase, with adverse economic and social impacts—a situation ripe for increased governmental intervention.

Brazil has demonstrated how to reduce petroleum needs by large-scale use of ethanol produced from sugar cane (with some risk of climate change affecting production). The US could make a similar large-scale change to ethanol, but crop land would have to be expanded and water use increased. Climate change might adversely affect the production of both ethanol and food stuff in America. Reserved lands, such as the Florida everglades, might have to be used for

⁵² Gunboats were sent from Haiti and Tonga to oust the free-society people.

ethanol and food production in the coming decades. Here we see a possible interaction of energy supply, climate change, and population factors in a situation almost certain to have increased intervention by coercive governments.

This set of factors has the potential to result in strengthening of State and religious control of populations, with popular acceptance of that strengthening—which means less popular demand for freedom. Yet, some of these adverse and potentially chaotic conditions might provide opportunities for the advancement of freedom.

250. Leadership

Leadership, to the extent that it is needed, must be of a new kind, a kind seldom before seen in the history of humanity. Leaders will emerge by competence and ability to inspire in a nonviolent and apolitical process. Mohandas Gandhi was the quintessential leader of this type.

Planning, communications, and coordination are essential along with central sites for information. However, to some extent, central leadership is not needed. The changeover is not headed toward a central government, but instead toward a set of competitive, cooperative governments. Leadership will be distributed among governmental organizations and organizers. At the end, there will be no king, president, or prime minister.

The various proprietary governments should recognize that they seek a common goal and cooperate to achieve it. Beneficial competition is desirable, but destructive forms of competition are to be avoided.

Adaptability in implementation is essential. Plans must include adaptations to circumstances that are far from ideal and adaptations to loss of operational elements.

251. Supporters

A large number of dedicated and capable supporters will be essential in creating an equal freedom society. They will be creators and builders, not destroyers. Their primary weapons will be the organizations and businesses they create, and the products and services they provide.

The Boétie Conundrum of complacent voluntary servitude is perhaps the biggest impediment to gaining supporters. Another recognized problem is that friends of freedom are typically individuals with a strong sense of self, who are often not amenable to being organized into some enterprise. Education and motivation are essential to attaining a sufficient number of people who will provide necessary support for the effort.

252. Initiation of the Implementation

A society that has the essential elements in place to an adequate degree is ready for the change from coercive government. The initiation could be either spontaneous or, more likely, organized. The time of preparation and implementation could be slow and evolutionary or rapid and revolutionary.

All of the operational elements prior to and at the beginning of engagement need to be tracked in a secure database, detailing the composition, deployments, and dispositions of the

elements in what military strategists call the order of battle. This will include the organizational structure and expected operations of the operational elements.

253. Implementation at a New Site

Planning, organizing, preparation, securing operating capital, and implementation are essential processes for the development of a new site. Technological challenges could be important issues. People have already begun looking at the requirements for and approaches to developing new sites. It seems that the two most difficult aspects are securing sufficient capital for development and getting enough people committed to the effort to make it a success.

With sufficient capital, it might be possible to purchase the right to autonomous enclaves or unused islands. Sovereignty is important, and quite possibly essential for success.

The implementation of chartered cities could be a viable approach to achieving freedom for residents, but much depends on the details of the charter and the contract and parliamentary resolution by which the local State allows the chartered city. There is always the possibility of the State reasserting its authority over the city, notwithstanding terms of the contract.

254. Privatization to Reduce Coercive Government

The free market, offering alternatives to the services of coercive government, is the best approach to replacing coercive monopolies by State agencies.

If the agencies of coercive government are spun off—privatized—and are expected to continue providing critical services, we will have continuing monopolies managed by people who are bureaucrats, not entrepreneurs, with no experience in meeting market requirements.

The experiences gained in the dissolution of the Soviet Union and privatization efforts in other countries show that corruption and chicanery will seriously impair the desired results. The populace suffers when this happens. Privatization is not a well-defined process—it simply indicates that the final state will have government functions in private hands. How that is done and how well it is done determine the degree of benefit of the process.

Replacement of those agencies, not spinoff, is likely to be more successful. Privatization can be effective, and has the advantage that coercion is not applied in the process. The sales of State assets could be done with proceeds returned to citizens as tax refunds or tax credits.

Where a federal State is devolving and member States exist, the military assets of the federal State could be apportioned and distributed to the member States as an intermediate step to privatization. Alternatively, some of the federal military assets could be sold off to companies or groups such as insurance associations. Tax-supported military organizations would eventually be acquired by private companies, dissolved, or transferred to member States for further privatization steps.

Where the State has a large monopoly corporation to be privatized, it would be best if that corporation were first broken up into smaller corporations that must compete with each other in an open market, then all of the ownership transferred to all citizens or sold with proceeds distributed as tax refunds or tax credits. If the State keeps a controlling fraction of ownership of its corporations, the whole process is a fraud.

Central banks are special cases where the organizations must be dissolved. They are coercive monopolies that have no role in a free economy. Proprietary banks can issue currencies that could be backed with assets.

255. **Parallel Implementation**

If the implementation of proprietary government involves replacement of coercive government instead of establishing a site with no existing government, then the components of proprietary government need to become functional in parallel with the coercive government prior to changeover. Proprietary government then becomes an alternative, even underground, government for those who wish to live under the new system. The possibility of adverse outcomes is minimized by having already functional proprietary governments able to pick up the essential protective functions provided by coercive government when coercive government enters its terminal phase.

The experience gained by noncoercive governments in parallel operations allows them to improve their effectiveness and to build confidence among the general population in the effectiveness and desirability of the alternative governments.

Successful parallel implementation could cause evolutionary change in the society, with the agencies of coercive government gradually declining in use until they are eliminated or privatized. The end result would be a society with a shell of a coercive government—which by then might be characterized as a minimal State—that could undergo dissolution, leaving the society without coercive institutions.

There is some possibility that even among the established, strong governments of North America and Europe, one or more governments might go through a swift collapse due to overwhelming events, which could include economic catastrophes that leave political governments unable to function effectively. Even if not all of a political government fails, the result could potentially include fragmentation that would enable the establishment of one or more free societies.

The existence of parallel, noncoercive agencies would not only enable a transition to freedom, but would also provide important protection against chaos in the societies. For these reasons, the establishment of parallel, noncoercive agencies should be considered an imperative for all of the States in Western Civilization and wherever else they might be able to function.

256. **Civil Disobedience**

Since the goal is to replace coercive government with proprietary government and members of the coercive government will not want to be replaced, some degree of noncooperation and civil disobedience is unavoidable in the replacement process. Nonviolent disobedience is preferable by far, and it should always be done in a moral manner consistent with the Principle of Equal Freedom. Open confrontation might not be desirable in the early stages, although it could be useful and effective in the latter stages of replacement. Much of the necessary disobedience should be silent and invisible, but effective in meeting its objectives, in particular the building of parallel, replacement government.

Coercive government can exist only when the populace is tolerant of it.⁵³ Freedom will arrive when people refuse coercive government, and not a moment before. Freedom could arrive in America within a month if Americans rejected their masters.

Civil disobedience could be both highly effective and completely consistent with the Principle of Equal Freedom. It is a refusal to obey or cooperate with coercive government.

257. Adverse Consequences

Failures are possible and could have adverse consequences for the supporters and for the movement in general. Supporters run risks from tax audits to seizures and bankruptcies to fines and imprisonment. The possibility of personal injuries are real, but hopefully rare. Supporters must accept the risk of failure while doing all they can to assure success. Even with ultimate success, supporters could experience some of these adverse consequences. Insurance organizations could provide some protection and relief for injured participants.

The general populations need to be protected from adverse consequences as much as practical. Methods of relief need to be found. Serious adverse consequences affecting a population can cause civil suffering and can affect the ability of proprietary government to function and provide essential protection.

258. Protection of Advocates and Activists

Outspoken and publically visible advocates of change to noncoercive government assume some risks to themselves and their families, with the severity of risk depending upon the strength of protection of civil rights in the society. Some coercive governments obviously are quite harsh in this regard.

It would be desirable to have some form of protection or insurance available for them, but they should also make some preparations for their own protection, even if it is only to flee attempts to punish them.

259. Transition of Society

When proprietary governments are functional in place of or in parallel with coercive governments, the society itself can more smoothly transition to a new set of social rules and modes of conduct. People will get used to having many governments to chose from and voting by subscribing to their government of choice instead of having a monopoly government wherein they vote for their politicians of choice.

Depending on the location, nature of the population, and other circumstances, the transition might need to evolve through a republican political government into a minimal State, and then into a Stateless, noncoercive government. Part of the critical circumstances that might determine this approach is the existence and nature of surrounding States and their attitudes toward the

⁵³ The compliant populace is the third element for the existence of coercive government, after the administrators and the enforcers.

country in transition. Invasion and subjugation is a possibility—free people set bad examples for the populations of coercive States in the view of political leaders.

Some of the people who are receiving benefits from coercive government will be hardship cases who should in good conscience be cared for. Without solutions to their problems, many of them are likely to oppose replacement of coercive government.

Preparation and education of the populace should begin prior to an attempt to implement proprietary government. Ideally, the populace would know the change is coming and would support it.

260. **Stabilization of Society**

A society of equal freedom must be a stable one to assure the continuing protection of its members and the predictability of life in general. A condition of stability requires that the society be able to withstand and rapidly recover from threats and disruptions that affect its existence and functionality.

Stability will be achieved by the presence of noncoercive governments providing the essential services described in previous chapters. Without stabilization, there will remain a possibility of chaos and return to coercive government. With stabilization, the society will be able to provide its populace with both security and freedom. When freedom is established, prosperity, justice, and peace can follow.

The issue of maintenance of stability should be given serious thought, because without it coercion could return and negate the gains that have been made. The two primary factors making implementation difficult, namely political resistance and lack of general support, can also undo whatever gains might be achieved.

Most crime, including organized crime, is a product of the State. Most true crime, primarily theft, fraud, and personal attacks, can be controlled by private police. Much of the crime that our society presently experiences would diminish without the present definitions of crimes.

This last statement means, in part, what it literally says. Many so-called victimless crimes, such as issues of private, personal behavior, would cease to be crimes simply because those actions would not be defined as crimes. An important additional factor is that in all societies where such actions are defined as crimes, there is considerable real crime as a consequence. This is especially prominent with the organized crime that becomes associated with prostitution and drug usage, as examples, as a result of the State actions to punish people involved in these actions. Removal of these actions from the State definitions of crime would eliminate a considerable amount of induced, real crime. This was the result of the repeal of Prohibition—organized crime lost what was probably its largest economic base. Organized violence decreased dramatically. But the most fundamental reason for removing such laws is that they are contrary to the Principle of Equal Freedom—each individual has a right to make such choices for himself if there is no direct and immediate damage to others.

261. **Timing of Transition**

The people of today, on the whole, do not believe in full and complete freedom as under the

Principle of Equal Freedom, but that should not dissuade advocates from action. Education and motivation can bring people to believe in and accept true freedom. It will surely take decades and perhaps centuries before the first fully free society is established on Earth and stabilized against destructive forces. This estimate is not a suggestion that it *ought to* take that long to implement. That it *might* take that long is not a reason for advocates to take a deliberately slow approach. Freedom is of too great a value to be left to procrastination.

Events might be strongly influenced by what I see as possibly being the coming together of two major streams of threats: energy supply disruptions and governmental financial crises. The confluence might be a true multi-factor crisis. It might happen within a few decades, possibly in less than one.

The confluence might be only moderate, with States coming through intact. It might cause substantial changes in States, including a constitutional convention in the US and other First World countries that might strengthen or weaken the powers of the States. It might bring down some existing First World governments to be replaced by ones with greater or lesser freedoms for citizens.

The confluence has the potential to cause substantial hardship for First World citizens, and worse for others. The typical approach would be to try to muddle through without competent leadership, with only political leaders who deny reality and simultaneously try to strengthen their States. This is quite apparent in the response to the financial crisis of 2008.

262. **A Transition Case: The United States of America**

There appear to be two likely paths for transition. One is through extensive secession, breaking down the federal State into ever smaller political governments, in an evolutionary approach. The other possibility is through chaotic breakdown triggered by financial collapse, followed by opportunistic replacement by noncoercive government. The federal government is proceeding down this path on its own as a result of its massive, unsustainable overspending. Citizens could help curtail the federal and other governments through not paying taxes and generally taking the position of “I won’t” in a program of civil disobedience.

Decentralization and privatization of governmental services are essential changes. Unfortunately, governmental actions, with support by much of the population, are in the opposite direction, with the federal government taking up expanded powers and more or less nationalizing industries and corporations.

That the liberty movement is probably strongest in America does not assure that liberty will once again arise in America. It seems more likely to arise elsewhere. If it does arise elsewhere, America might follow the successful example some decades later.

No people in all of civilization have given up more freedom than Americans. That they continue to think that they are free shows the effectiveness of pervasive propaganda and the extent of psychological denial in the population—and perhaps the extent of indifference.

The American Empire has been building for two centuries, to the point where it now dominates the world. Many Americans, especially the political leaders, are pleased with the result. Americans react emotionally to the success of their empire as though their team had won an international sports competition. The empire must retrench before freedom can return to

America. Freedom does not, cannot, exist within an empire. Americans must give up their empire to begin regaining their freedom.

Regaining freedom must include removing the overwhelming powers of the federal government over the member States and the citizens. Political power must be decentralized, counter to the current trend. Decentralization could proceed to a loose confederation of member States, each of which is large enough to be a sovereign country itself. This would be followed by secession, fragmentation of member States into smaller aggregates or into individual sovereignty.

Universal rights of citizenship among the various member States would be a very important aspect of reestablishing freedom. Decentralization should be done respecting the rights of Americans to live, work, and travel freely among the member States.

The main goal is to remove the ability of citizens to impair the freedoms of others. Since the State is the mechanism of implementation, some alteration in its methods and abilities needs to be made. The most secure such alteration would be a constitutional amendment to expand personal rights and ban certain types of laws.

The minimum actions needed to establish a relatively free society include:

- Establish open immigration for all people of good character
- Repeal of income tax on people and corporations
- Removal of conscription laws
- Removal of all State-mandated registrations of individuals, in particular national identification systems, social security, and draft registration
- Replacement of State licensing by private rating systems
- Removal of personal laws such as marriage-related and morality laws
- Replace zoning laws with reliance on covenant deeds and neighborhood agreements
- Replacement of the punishment system with a system of victim compensation and criminal isolation
- Removal of State monopolies, including postal services, central banking, police and fire protection, and utilities services.

People who have forgotten that their society once had a greater freedom or who have temporized away the loss of a greater freedom have first a barrier of ignorance or apathy to overcome before the real struggle for freedom can even begin.

This is the case in America. American society might be closer to full freedom than any other in terms of social structure, but the mental distance from action is greater in America because of the complacent belief that there cannot be or should not be any greater freedom.

The erosion of freedom in America, when it is acknowledged, is often temporized on the basis of society being more complex than before, that a greater freedom just is not practical, and therefore not desirable.

One of the greatest hazards to freedom in America comes from temporizing away new restrictions that are contrary to the Constitution. Having a constitution is a problem of itself, because it inevitably means the presence of a State. Nonetheless, having what is the best constitution ever created in human civilization and having it ignored by politicians and populace alike is both a sad and dangerous situation.

We could all be free if only we all had the will and courage.

263. Free Societies at New Sites

If populations remain as accepting of States as they are at present, it is more likely, perhaps by far, that the first free societies will be established at new sites that are mostly beyond the reach of States. Unfortunately, this seems especially true for the US, where freedom is losing to an increasingly powerful federal government, even while the theoretical understanding of freedom in societies is gaining ground.

Where financial and other necessary means are available, free societies could be established on purchased land, the seas, and beyond Earth.

New free societies face two primary kinds of threats. One is overt attack by armed forces as has happen with previous attempts to establish free societies. The other is a more covert threat, wherein immigrants, driven more by economic opportunities than by promise of freedom, gain such numbers that they by force establish a system of coercive leaders.

People participating in establishing a new free society should have a good understanding of the operating principles of the society and be in agreement with them. Otherwise, divisive attitudes could endanger the success of the society. While principles of freedom say that a society should be open to all immigrants, it might be necessary to have limited immigration in a fledgling society until essential infrastructure and protective services are available.

Attempts to establish new free societies should proceed with adequate expertise and working capital to increase the probability of their success. Planning for new societies should include provisions for handling various threats to their success. This means assuring that protective agencies exist with adequate expertise and working capital.

Perhaps the best situation would be to have successful existing protective service organizations ready to establish themselves in a new society at the time it is founded. This reflects a repeated theme that alternative, noncoercive governmental organizations should be established early and operated in parallel with the States where they are initially based. The experience gained by such organizations could prove crucial to the success of a newly created free society or one that arises from the collapse of a failing State.

Chapter 19

A Civilization of Equal Freedom

Change has a continuous presence in society and civilization, but there is no mechanism that assures changes are beneficial and constitute progress by some measure. Some of the changes happen on the scales of centuries and millennia, which makes ignoring them easy since we do not usually notice them within our lifetimes. The changes that are momentous and rapid are rare: ones like massive tsunamis and supervolcanos. At any given time, the normal condition is that no living person has experienced these rapid, civilization-changing events. It is therefore easy to ignore the effects of such changes on civilization, easier to focus on the human-driven changes of technical progress, entertainment, and fashion, which are the more trivial.

Between the changes of the catastrophic and the trivial are major ones associated with ascendance and decline of civilization. Effects of such changes can be noticed within a life span, while the changes can run on across centuries. It seems that little thought is directed toward those processes as to their consequences, even though they are typically human driven.

Survival of sapient species and civilization is most effectively done with rational thought and freedom of action, where consequences are recognized and included in thoughts and actions. Within our contemporary civilization, societal change is controlled by institutions with irrational world-views, which use coercion and fraud to further their own ends. These institutions control or otherwise manipulate rational thought patterns and actions of people. Societies and civilizations that are dominated by such institutions are bound to fail, and could become extinct.

Societies and civilizations that enable rational thought and freedom of actions are the most adaptable, with the greatest ability to accommodate changes and crises. These can survive and prosper on time scales never before experienced by humans.

Long-term survival requires manipulating the environment around us and building infrastructure that meets the needs of life and civilization. On its own, life without civilization will eventually perish as Sol and Earth evolve into states that will cease to support life. Only civilization can survive beyond those times. Those civilizations following rational thought and

freedom of action will have the best probabilities of prosperous survival into the remote future.

Isaac Newton showed that a force is required to change motion, or momentum, with things in the physical realm. Something similar seems to work in the sociological realm, where the momentum of society can be changed by the force of ideas, good or bad, as well as by the forces of organized violence and fraud. These are analogs to Newton's laws.

If contemporary civilization fails, there will be reasons for that failure. If it survives and prospers, there will be reasons for that success. The fact that earlier major civilizations failed does not of itself doom our civilization. An objective study of those failures will show the reasons for the failures. It is not necessary for us to repeat those conditions that led to the failures—it behooves us to do things differently if we want our civilization to survive.

The probability of success of civilization is maximized by rational thought, freedom of actions, and multiple free societies in different environments following different developmental paths.

Perhaps free societies will be established in a timely manner to prevent the total collapse of our civilization, or humanity will have to endure a collapse and rebuilding of civilization. Our knowledge of how to establish strong, durable societies has increased enormously over the past few centuries, and that might be enough to guide the restructuring or rebuilding of civilization into one of freedom, justice, and peace, which would be unique in all of human history.

While the past is fixed and unreachable, our knowledge and understanding of the past changes, and as important our valuation of the past changes as our contemporary wisdom changes. With this changing flux of values and interpretations, we may plan and re-plan our future.

264. **The End of an Era**

Albert Jay Nock wrote in 1935 in *Our Enemy, the State*:

What we and our more nearly immediate descendants shall see is a steady progress in collectivism running off into a military despotism of a severe type. Closer centralization; a steadily growing bureaucracy; State power and faith in State power increasing, social power and faith in social power diminishing; the State absorbing a continually larger proportion of the national income; production languishing, the State in consequence taking over one "essential industry" after another, managing them with ever-increasing corruption, inefficiency and prodigality, and finally resorting to a system of forced labour. Then at some point in this progress, a collision of State interests, at least as general as that which occurred in 1914, will result in an industrial and financial dislocation too severe for the asthenic social structure to bear; and from this the State will be left to "the rusty death of machinery," and the casual anonymous forces of dissolution will be supreme.

One can look at the contemporary times of the early 21st Century and see how essentially every major government on Earth has progressed along the path of unsustainable financial extravagance, where every major currency is now without intrinsic value, unstably balanced on unconditional faith of people to continue accepting the intrinsically worthless as though it has

some actual value.

So far in the current crisis, the agents of the States have demonstrated their incompetence to cope with the economic monsters they themselves created and unleashed upon the populace, yet they continue on in their arrogance and disregard, and too many of the populace accept the actions of those agents as acts of virtue and wisdom.

End of intellectual constraint will come with the end of the Church. Churches, as institutions that control societies, are apparently at their weakest over the past two millennia. States, in contrast, are at their strongest in their control of people through pervasive surveillance and monitoring, and in terms of their abilities to engage in armed conflict.

The people of the Church have the audacity to believe that they can understand a god capable of creating this vast Universe, and, worse, that they have the authority to speak in his name and to control and punish any who would disagree with them. Could there be any greater hubris and degree of self deception? In Western Civilization, the Church has lost most of its coercive authority, but much of the world remains under authoritarian religious control. In the west, rationality remains impaired because of willing submission to religious authoritarians.

The Church, or the numerous churches, will pass away as rationality gains in people. As long as the Church cannot resort to coercion, it will go quietly.

265. End of Empire

Nock wrote on the disintegration of empire, with a view to the American case:

The historical method, moreover, establishes the important fact that, as in the case of tabetic or parasitic diseases, the depletion of social power by the State can not be checked after a certain point of progress is passed. History does not show an instance where, once beyond this point, this depletion has not ended in a complete and permanent collapse. In some cases, disintegration is slow and painful. Death set its mark on Rome at the end of the second century, but she dragged out a pitiable existence for some time after the Antonines. Athens, on the other hand, collapsed quickly. Some authorities think Europe is dangerously near that point, if not already past it; but contemporary conjecture is probably without much value. That point may have been reached in America, and it may not; again, certainty is unattainable – plausible arguments may be made either way. Of two things, however, we may be certain; the first is, that the rate of America's approach to that point is being prodigiously accelerated; and the second is, that there is no evidence of any disposition to retard it, or any intelligent apprehension of the danger which that acceleration betokens.⁵⁴

Political governments around the world have, typically with complicity of their populations, created a civilization-wide economic condition that is unsustainable. It is unstable, and already showing clear signs of its instability. The situation is compounded by aggressive political leaders who take their countries into armed conflict and outright wars.

⁵⁴ Nock, *Our Enemy, the State*.

With bombs that alter the very nuclei of atoms, the power of gods is in the hands of children—violent, corrupt, and self-righteous children who do not understand their own motivations or their own malevolent psyches. It is well past the time for the removal of these people.

Unfortunately, a collapse of State or empire can result in a condition worse than the previous, with a tyrant for a new leader, or perhaps with a time of violent chaos and widespread poverty. But it is also a time in which improvements can be made, although likely only after a collapse that could lead to enduring hardship for many. If friends of freedom have prepared well, with the States gone or greatly diminished, a rebuilding can occur that will greatly improve the lives of people.

266. The Choice of Freedom or Serfdom

Free people are more innovative and productive than those living as serfs, regardless of how content the serfs might be with their lots. But productivity, inventiveness, and efficiency are not adequate arguments in favor of freedom. Neither our telescopes nor our microscopes have uncovered any cosmic law showing that we should live as free people. People should live in freedom because they *want* to live in freedom. No other justification is necessary. Those who want freedom for themselves, who pursue that want with dedication, will eventually prevail and achieve a release from serfdom for themselves or their children. Those who want to live as serfs, as an ethical matter, could be left to work for their masters since that is their preference.

For humanity to survive the challenges of living in this cosmos, a dynamic, robust civilization is essential. That requires freedom. Rigid, constrained civilizations are more prone to failure than civilizations that are based on freedom. If our current global civilization were to fail, which is possible, our species might fail as well. Long-term survival is another impetus for choosing freedom.

Our present civilization is based on serfdom, where across the planet people live constrained lives, being bled of their industriousness to feed the State. That we are allowed, within tight constraints, to choose some of our masters does not negate the truth that we toil to support both ourselves and the State, with the State deciding how much it shall take from us each year. That most people are more or less content with the arrangement, with some being ardent supporters of it, also does not negate the truth of serfdom.

Every State is a kind of concentration camp, where the inmates are controlled to points somewhat short of rebellion. Indoctrination and propaganda are used to keep the number of guards at a minimum and to keep the inmates relatively happy and productive. The victims are milked like cows, and they are generally content with their situation.

Indoctrination is done in the State and Church educational system, followed by life-long bombardment of propaganda.

This is not the way forward for humanity. A dynamic, robust civilization cannot be built by people who are bound to serve masters of any kind.

267. Free Societies

Freedom can exist only in the absence of systemic coercion and fraud. Freedom can be established and secured only in societies that rigorously protect freedom. Those societies cannot have institutions of coercion and fraud exerting control of people and properties.

When free societies come into existence, they are unlikely to exist throughout human civilization and include all people. Instead, they might likely begin as small societies, perhaps remote from the bulk of human civilization, and be fragile in their existence.

Free societies are essential for the advancement and strengthening of civilization. They will have the flexibility to meet the challenges of long-term survival in the cosmos.

Society and civilization must evolve and adapt to new conditions, a process severely hindered by societal structures and rules imposed by States, Churches, and their beneficiaries interested in maintaining the status quo. It follows then, that humanity should live without coercion and fraud from States and Churches. There is benefit to humanity in general and to all morally-acting individuals in living without institutional coercion and fraud.

Rationality strengthens the lives of individuals and society as well. It means facing reality, and solving problems in ways that are realistic and effective. Individuals in free societies can have their religious beliefs and even believe that kings and presidents are nice to have. However, they cannot impose those beliefs on others without thereby destroying freedom.

Freedom is simple, but not necessarily easy. Freedom exists wherever people have successfully established, secured, and defended freedom for themselves. It comes from their own action, not from deity, benign monarch, popular president, or theory.

Individuals and companies must take responsibility for their actions to ameliorate or correct damages or injustices. Individuals, especially in their roles as consumers and customers, should be mindful of not supporting those being irresponsible.

A theory of rights is not necessary, nor a theory of freedom. Academic exercises are not necessary, even though a sincere philosopher thinks that his logical and erudite theory will perhaps advance the cause of freedom. People can live in freedom simply by throwing off oppression and assuring that no one is thereafter subject to oppression—simple, but not necessarily easy. Successful maintenance of freedom requires that a substantial part of society work effectively to prevent the establishment of institutional coercion and fraud.

In freedom, a person directs his own life, and is responsible for his own life.

Conformity is a symptom of a lack of freedom, whether through coercion, fraud, or lack of personal self-identity. Self-identity arises from what is within a person, not what he puts on or over his skin. The latter is an illusion of self-identity, but one that some people can stay immersed in for their entire lives.

Social identity, what society sees as the person, is a matter of what the person accomplishes and how he lives his life.

A free society, to be a desirable one, must be able to expand. A small, isolated community existing as a society of individual freedom, has some aspects of a prison if it is unable to expand or link with a growing number of similar societies. The people living there will have highly restricted freedom of movement. Except for the bad examples they set in the view of the State, the leaders of a State might be glad that such enclaves exist because they get rid of some of its agitators for freedom. An inability to expand is a weakness with the concepts of island enclaves or small floating cities.

Moving into space means moving into a boundless environment, one with unlimited opportunities for expansion and with opportunities for moving away from regions of coercion. The difficulties of cost and hazardous conditions should decrease over time.

I am convinced that a movement beyond Earth will provide the greatest advantage for large numbers of people and will have the greatest impact on the advancement of civilization beyond its contemporary primitive institutions.

Herbert Spencer wrote, "Society exists for the benefit of its members—not the members for the benefit of society." The purpose of existence of a person is not to support a State or society, but to enjoy his own life. That can be done best where there is no State, where freedom exists in its fullest extent. People can live better, richer, happier lives under the Principle of Equal Freedom in a free society.

268. **Reformation of Civilization**

The objective of the endeavor for freedom must be nothing less than a reformation of civilization—otherwise it will fall short of what is essential. The entire political and religious institutional infrastructure must be removed or rendered ineffective. Friends of freedom need to focus not just on freedom for themselves, but freedom as it would change civilization and improve the probability of survival of humanity.

Humanity has at present what should be an unacceptably high probability of losing its civilization, and perhaps its existence as well.

Civilization does not require central political or religious authority. Being unnecessary, the existence of central authorities is not a valid criteria for defining civilization. Central authorities can be removed without damage to civilization—in fact, the opposite, since the central authorities are the sources of damage to civilization.

Many civilizations, nearly all in fact, have failed in the course of human history. None implemented the Principle of Equal Freedom; none had the protection of citizens as a social imperative. Empires of violence and exploitation were the norm. Most civilizations perished with violence as a major factor in their demise.

The principle gives civilizations their greatest probability of survival. It disallows organized violence and exploitation against citizens. It allows the citizens to protect their self-interests, to express their creativity, and to prosper from doing so.

We now have a global civilization, but one that is flawed and weak—threatened with economic mismanagement and organized violence from political and religious institutions. Nearly every threatening condition is one that would not exist if the principle was in effect.

Empires are not civilizations. They are the coercive creations of avarice and domination, built on blood and suffering. We saw the urge to empire destroy 100 million people in the previous century. We see in the contemporary world two empires expanding, one State driven, the other religion driven. Deaths in the tens of thousands are a matter of course for these empires, and they risk creating a regional or world war. Empires need to be forever purged from civilization.

If we were to implement the principle throughout our civilization, it would have its greatest probability of long-term survival. However, people will not readily give up coercion and

irrationality, regardless of their suffering from these pre-civilizational anachronisms.

The best we can hope for is that freedom and rationality will arise in some sanctuaries and eventually spread throughout our civilization. It will be a slow process, requiring dedicated support from the friends of freedom. The obvious first step is to plan for and create the sanctuaries.

This is a unique time in the course of history, a critical time perhaps for humanity and civilization. Such times are often not easy to live through. With multiple crises coalescing and no one able to foresee the complete pattern nor its consequences, it is a time fraught with risk.

However, humanity now has something it never before had: knowledge of how to live without the State and its coercion—knowledge of how to live in freedom in modern, stable societies.

From Locke's unnamed system of people equally enjoying the freedom of natural law and Spencer's "First Principle", or "Principle of Equal Freedom", we have progressed to the specific technologies that have been developed that would enable the functioning of free societies.

Rationality and freedom are better understood now than ever before, but the threats to both are increasing. People who champion both are more visible and outspoken than before, with unparalleled opportunities to educate and motivate others.

Those who would improve and strengthen civilization have an enormous task ahead of them, but one that is easily described:

Remove the State. There can be no compromise with this: the State must be removed from human civilization. Education of populations is almost certainly inadequate for the task. Free societies must be established where they can exist safely and thrive, whether on Earth or beyond it. The success of these societies will result in change in the lands where States exist, whereby they lose their coercive authority and eventually dissolve. Or possibly the States will collapse from their own greed and excesses, and will be replaced by noncoercive governments.

Remove the Church. Education of populations is an adequate, but slow process for the task. It might well be the only effective and morally acceptable method to remove the Church (but not necessarily eliminate personal religious beliefs). This approach should be successful eventually, provided the Church is not allowed to regain control of civilization.

269. Civilization as a System

Civilization is a product created by the people living in it and their predecessors. It is a complex system organized from components that are also complex. The societal system is a component that, by its structure and functioning, strongly determines the characteristics of the civilization. It is this complexity that always thwarts central planning of economy and society. Unfortunately, the United States, under many different administrations of both political parties, has followed a path of ever increasing central planning. It is bound to fail unless the central planning structures are removed. At the time of this writing, it appears that the process of inevitable failure might have already begun.

All human civilizations to this time have been constructed with primitive social institutions derived from the tribal chief and shaman. All of the previous civilizations failed, typically from following unsustainable economic policies or from failure to meet external threats.

Civilization is the greatest product of a people. It is what characterizes a people. There are many ways in which to measure a civilization, but among the most important is the quality of life for its members, which is to say how well it provides freedom, justice, and peace for its inhabitants.

As a system, civilization has a characteristic culture that includes accumulated knowledge, behavioral norms, and sense of esthetics. Civilization is characterized by an orderly society, an organized market, by communications and trade, by specializations of labor. It can be made up of numerous societies connected through their culture and societal structures. The societal structure is made up of cities, companies, other organizations and groups, and physical infrastructure that are determinants of the functioning of the civilization.

The individual is the fundamental component in the system. The self-motivation and self-direction of individuals gives a civilized societal system characteristics unlike any other system. Precise predictions of societal development cannot be made because the actions of self-directed individuals cannot be precisely predicted, even in aggregate. This self-direction gives a free society and its economic system both adaptability and efficiency, two highly important characteristics.

The cosmos is in continuous change, from systems of galaxies down to local environments on a planet. Life is frequently challenged by changes that require adaptability to avoid extinction. Societies and civilizations are similarly challenged. The failures of nearly all of our predecessor civilizations should alert us to this reality, and convince us that adaptability must be an imperative.

Societies controlled by State or Church are rigid societies, with limited ability to adapt to changing conditions and threats. The people who are the controllers want to maintain the status quo, which sustains their advantages and privileges. The controllers are incompetent to run society and often too corrupted by power to care about the consequences.

The probability of survival of humanity as a whole and of individuals is adversely affected by lack of freedom. Yet indoctrination and propaganda have been so effective that most of the population groups around the world look to their controllers for salvation in a crisis, even though it is likely that the incompetence and ruthlessness of the controllers caused or contributed to the crisis of the moment. An examination of the acts of the controllers shows they do not know how to cure the crisis. It should be an obvious truth that those who cause a crisis are almost certainly too incompetent to solve the crisis. Centrally managing a crisis is as ineffective as centrally managing a country or economic system.

The cosmos is unforgiving of incompetence.

Friends of freedom have a difficult, but not impossible, task in developing freedom within Western Civilization, where their chances of success are better than in most other parts of the world.

The current popular mind set in Western Civilization is opposition to totalitarian States, with preference for strong republican⁵⁵ States with programs of limited socialism. The populations not only have little interest in true freedom, but will generally stand in opposition to its

⁵⁵ Typically called democratic government, but people, especially politicians, have essentially no interest in true democratic government.

implementation. The consistently poor support for Libertarian Party candidates in America is a symptom of this condition. That radically religious political candidates can receive better support in America than libertarian ones is cause for some pessimism.

270. **The Engines of Civilization**

Civilization arises from and is driven by the creativity and industriousness of people, enabled by the available accumulated capital. It thrives where creativity and industriousness can flourish; without them it will stagnate or decline.

Creativity and industriousness need to be encouraged, rewarded, and protected from harmful control and exploitation. Adherence to the principle provides such an environment.

Civilization advances by the creativity of people in many areas, especially important in science, technology, inventions, and social thought. Only small fractions of populations generate this creativity, and they are often controlled and exploited, to the detriment of all.

In contemporary society, the brightest, most creative people are often controlled by mediocre people. The bureaucrats and the politicians control the brightest through laws and through the mechanism of being the salary provider for a large fraction, possibly the major fraction, of the most intelligent and creative people. The State exerts legal control, the salary aspect inhibits processes contrary to those preferred by the people of the State, and the societal structures imposed by the State further inhibits free and creative thinking and expressions of the results. It is reasonable to conclude this condition has an adverse affect on the further development of society and civilization, and on the development of the science of sociology.

In a free society these inhibitory factors are removed. Creative people have the liberty to develop innovations that can advance civilization and the well-being of all. They can also have the financial support necessary to support their lives. Of great importance is the continuance of royalties to them that allow them to continue their work. Funding institutions can also provide support without the restrictions imposed by the State.

Capital to support innovators and production is necessary to put to use creativity and industriousness. Royalties can provide essential working capital for innovators. The continuing royalties into their perpetual estates enables an accumulation of capital that can provide initial funding to subsequent innovators who have not yet developed a royalty stream. The estates can also fund the establishment and expansion of businesses that put innovations into practice.

Innovation and industriousness are rewarded in a free society, both in monetary rewards and recognition for accomplishments. Everyone in a society can enjoy the benefits that result from innovation and industriousness.

In the presence of the State, and to a lesser extent the Church, innovation and industriousness need to be applied in a manner that furthers freedom and not strengthens the State.

271. **A Strange Future**

We can be certain that the future will be stranger than we can imagine. The engines of civilization will drive that future. Scientific knowledge and technologies in the major sciences will be well beyond that of today. Nearly every futurist predicts advances in machine

intelligence and longevity for people, along with some integration of machines and people. These are obvious guesses, but new intelligent species of our own creation will almost certainly exist as well, including some new species of humans. Humans like us as we are today will have to coexist with intelligent machines and other humans smarter than we are. All will share Earth with woolly mammoths and other species brought back into existence. Our civilization will extend beyond Earth. We cannot even make reliable guesses about what life will be like as we come to apply knowledge of enigmatic quantum mechanics to our civilization in an extensive way.

Physics, except for large-scale physics, has been largely free of State subservience, and that part of physics has had a major influence on civilization. We have gained authority over our environment through physics, and this will continue, extending into a new realm as we move part of our civilization into space.

Biology, of all the sciences, might have the largest impact on the future of civilization over the coming centuries. Taking control of human genetic development is both immanent and powerful in its potential effect on the future of humanity. It is crucial that such development be kept from control by State and Church.

Psychology is at present an immature science, which might be best for humanity since what has been developed in the science has often been put to use by States to advance State interests at the expense of people who are victims of that misuse. Civilization is improved when people can understand their own thought processes and motivations, along with those of other people. They can thereby see better how others are attempting to control and abuse them. As psychology develops and people become more knowledgeable of themselves and attempted manipulations of them, institutional coercion and fraud could potentially be strongly diminished.

Sociology will make important advances, sorely needed. The failure to develop sociology into a more mature science is one of the numerous reasons why States and Churches still control human societies. These scientists will eventually stop doing their numerous demographic studies for the State and work on a theory of sociology that could help establish free societies. Economics, a subsience, will eventually embrace free-market economics based on the realities of market behavior, and cease to support State manipulation of markets.

The sciences could have a major role in the removal or diminishment of the State if the practitioners would break free of their State subservience.

Civilization will make a major advancement when freedom becomes established. This will be true even if only some societies within our civilization become free societies. Those societies will in time become the leaders of civilization, and thus engines of change in reforming civilization.

Man has not yet been completed. He will change, just as his world will change and his civilization will change. As knowledge of genetics continues to advance, changes will be done by intent, and will certainly include efforts to increase innate intelligence. In time, there will come a new subspecies, and eventually a new species, of humans.

Artificial intelligence appears to be a real possibility at sometime in the future. AIs do not of necessity need to be taught the 'higher' human values such as love and compassion—they only need to be taught (successfully) the principle. It does not matter so much whether AIs have concepts of love or compassion, only that they follow the principle and live as they wish while

recognizing that all other sapient entities should be able to live as they wish.

The principle is a universal principle that is independent of the forms of the intelligent beings applying the principle—it does not contain a reference to species. The principle can be a successful code of conduct among intelligent biological and mechanical beings, whether we create them or encounter them beyond Earth.

In the not-too-distant future, new species of humans will share with *Homo sapiens* our Solar System and quite likely Earth itself. Sapient machines might also come into existence. We might someday come into contact with alien species from other civilizations.

The principle is a guide usable by all sapient beings. Under the principle, coexistence with other species would enrich our own civilization. I think it is very unlikely that an advanced species of *Homo* or other intelligences would be a threat to our species—the reverse seems much more likely unless we follow the principle.

We can foresee the possibility of new humans, artificial intelligences, and other intelligent beings all being contained in our future as we also reform our civilization and extend it beyond Earth. This is a future to be welcomed and assisted in its arrival. However, without adoption of principled ethics and reformation of civilization, our future could be a harsh one.

272. Civilization In Space

Human civilization will begin expanding beyond Earth in the near future with the establishment of new living sites in orbital cities and on other celestial bodies. The nature of the societies that form there is an important issue for the human future.

The people who will live in space should have the freedom to determine their own societal structure, and thereby have the freedom to implement societies employing the wisdom that has been gained during the human experience.

If the people who will go into space to live have the freedom to create new societal structures, a most important step will have been taken in social evolution. All of the nations of Earth have sociopolitical structures rigidized by the current holders of power so that change can only happen slowly and under application of great pressure and sacrifice.

This does not have to be the case for new societies formed in the space environment. New forms can come into being at the inception of new cities, and changes can proceed rapidly, but only if this is allowed to happen.

If States control the establishment of new settlements, through budgetary, legal, or other means, the societies will be formed in space in the same pattern of the colonialism that spread across Earth over the past few centuries. The opportunities for independence will be lost or will exist only after wars for independence. It is of major importance to the human species that these conditions be avoided.

When Thomas Paine wrote, "It is an absurdity to think of an island governing a continent in perpetuity,"⁵⁶ he had in mind both the affront to human dignity in the situation as well as the result of any attempt to perpetuate such control: eventual conflict. The same is true for the New Worlds in space. Attempting to control the people spread across space from this island Earth is

⁵⁶ *Common Sense*.

both an affront to human dignity and a recipe for disaster. Yet it is likely that States will attempt to exert control. Freedom there will require effort.

The movement of people into space will result in evolution of human societal structure, even though the societies on Earth might be slow to change. As the population in space increases, more people will be living in types of social systems different from those on Earth. The average condition, or center of mass, will shift. What will come to exist in space will influence what is on Earth, however slowly that might be. The forces of change will be present, and the change will happen at some time.

Is it possible that this evolutionary potential will not be realized? Yes, if or as long as permanent societies with permanent members do not exist in space. Yes, if strong feelings of nationalism or fear of change inhibit the settlers in space. Yes, as long as sovereignty is denied to the settlers.

273. **An Enduring Civilization**

The civilization we have at present is seriously flawed and has what should be regarded as an unacceptably low probability of survival. While the cosmos does not provide a certainty of survival for life, even for life more intelligent than humanity, the probability of survival of our civilization and humanity itself can be greatly improved.

The essential qualities for survival are freedom, rationality, respect, and responsibility. Not for a century, nor a millennium, but an enduring existence can be achieved if we make the right choice—which is the adoption of those essential qualities.

The available evidence indicates that creating a civilization of freedom and justice, one that is dynamic and robust, will be a slow, difficult process because of social inertia and entrenched irrationalities. This might be cause for despair among some reform-minded people, but the response should be one of greater determination to correct the faults in our civilization.

Apparently for the first time in history, organizations have been created to educate people and convince them to abandon their irrationalities in the areas of religion and coercive government. Other people, in a more direct approach, want to establish societies of freedom for themselves and like-minded people, either on Earth or beyond it.

We should hope that both approaches are successful. We should support both to give humanity its best probability of having a future that is far different from its past, where freedom replaces coercion, rationality replaces irrationality, and peace replaces war.

Full and equal freedom will come. Ethics and rationality will replace coercion and fraud as the dominant characteristics of civilization. Survival in this Universe demands the best that we can do, and that will happen only in a civilization of freedom.

The beginning of freedom is the end of war.



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