



formulations

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FNF Enters a New Era

This issue of *Formulations* is the last that will be edited and produced by Richard Hammer. As Rich announced in his letter of resignation (*Formulations*, Spring 1999), at the end of 1999 he will step aside as the driving force in FNF.

Philip Jacobson has taken a leading role in reassigning the work that Rich has been doing. In four meetings this year, of FNF's eight-person Board, Phil has led sessions in which the other Directors have divided up responsibility for tasks which Rich will drop.

Starting with the next issue, FNF Senator Robert Mihaly will produce *Formulations*, doing the desktop publication and getting the printing and mailing done. With the recent Forum, Candi Copas has already started her duties in arranging Forum facilities. Candi has also taken responsibility for fund raising—as people on FNF's mailing list have surely noticed.

FNF Member James S. Wilson, who is a second-year graduate student in information science at UNC-Chapel Hill, has been assigned to an Internship with FNF. In this role he will work on the FNF web site, and help with other duties.

Rich Hammer will continue keeping books as Treasurer, and in February will produce an Annual Report for 1999. In a regular meeting of the Board of Directors, on 13 November 1999, the Board voted to give Rich the title of President Emeritus. △

Foundation News Notes

- The Free Nation Foundation held its thirteenth semiannual Forum on 16 October 1999, in Durham, N.C. The topic was “How Do We Get There from Here.” Eleven people attended.
- The topic of the next FNF Forum will be “Financial Systems.” We solicit papers on this topic for publication in the upcoming Spring issue of *Formulations* (writers' deadline: 1 February 2000).
- FNF President Richard Hammer presented his paper “An Engineer's View of Morality, Set in a Model of Life” at the ISIL conference in Costa Rica (see the story by Bobby Emory in the left-hand column on this page).

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— Report —

ISIL '99 in Costa Rica

by Bobby Yates Emory

The International Society for Individual Liberty held its 1999 conference in Costa Rica. The setting was a resort on the outskirts of San José (the capital). Three Directors of FNF attended: Rich Hammer (a featured speaker), Wayne Dawson, and Bobby Emory (Suzanne Sullivan accompanied Bobby).

The main conference ran four days. Afterward there was a post-conference sightseeing tour. The tour had to be slightly revised because of an outbreak of dengue fever, but it went on. There were also two smaller conferences in San José, before the ISIL conference (as mentioned in the Foundation News Note on page 21).

For us the most important news was Rigoberto Stewart's book, *Limón REAL*, which advocates his project for Limón, being published just before the conference. It was available in Spanish—the English edition is promised soon.

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Statement of Purpose

The purpose of the Free Nation Foundation is to advance the day when coercive institutions of government can be replaced by voluntary institutions of civil mutual consent, by developing clear and believable descriptions of those voluntary institutions, and by building a community of people who share confidence in these descriptions.

Board of Directors

Richard O. Hammer, President (thru 31 Dec. 1999)
Roderick T. Long, Founding Scholar
Bobby Yates Emory, Secretary
G. Wayne Dawson
Candice I. Copas
Roy G. Halliday
Philip E. Jacobson
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Send correspondence to the postal address above. Or email to: info@freenation.org.

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Subscription or Membership

Subscriptions to *Formulations* may be purchased for \$15 for four issues (one year). Membership in the Free Nation Foundation may be purchased for \$30 per year. (Members receive: a subscription to *Formulations*, invitation to attend regular meetings of the Board of Directors, copies of the Annual Report and Bylaws, more inclusion in the process.)

Send orders to the postal address above. Checks should be made payable to the Free Nation Foundation. Additional contributions are welcome.

Information for Authors

We seek columns, articles, and art within the range of our work plan. We also welcome letters to the editor which contribute to our debate and process of self-education.

Our work plan is to work within the community of people who already think of themselves as libertarian, to develop clear and believable descriptions of the critical institutions (such as those that provide security, both domestic and national) with which we libertarians would propose to replace the coercive institutions of government.

As a first priority we seek formulations on the nature of these institutions. These formulations could well be historical accounts of institutions that served in earlier societies, or accounts of present institutions now serving in other societies.

As a second priority we seek material of general interest to libertarians, subject to this caveat: We are not complaining, we are building. We do not seek criticism of existing political institutions or persons unless the author uses that criticism to enlighten formulation of an improved institution.

Submissions will be considered for publication if received by the first of the month preceding the month of publication. So our deadlines are: February 1, May 1, August 1, and November 1. All submissions are subject to editing.

We consider material in *Formulations* to be the property of its author. If you want your material copyrighted, tell us. Then we will print it with a copyright notice. Otherwise our default policy will apply: that the material may be reproduced freely with credit.

Thanks to Earnest Johnson for the photographs on pages 1, 3, and 5 of this issue.

Why FNF? A Personal Exposé

by Richard O. Hammer

Why have I spent seven years trying the farfetched scheme of FNF? Level-headed people ask this question.

As the new leadership of FNF has been taking shape, we have discussed what we should do in FNF. We have not agreed on all points. In such situations I think it is useful to take the “we” apart. It becomes worthwhile to study each person, asking “What do you want?”

Here, assuming it might help, I will try to answer that for myself. My readers must be wary of course. While I like to think that I can be honest, surely my ego may distort what I tell.

I Like a Big Challenge

I am exhilarated by the challenge of engineering a free nation. It seems to me that a free nation could be built, consciously incorporating an engine of free enterprise to power whatever defense is needed, for the first time in history. I want to feel myself to be one of the builders of this grand, new kind of structure. For comparison I think of the Wright brothers, who engineered and flew the first powered airplane.

Many people have pointed out to me that I already enjoy many liberties in the US. And they point out that I could enjoy even more liberties if I would modify my approach. All I have to do is: invest offshore; get a passport from a second country; assume a low profile; take on some protective coloration. But this sounds berserk to me, given my love of the FNF big challenge.

Do you think that the Wright brothers did what they did because they, personally, wanted to be able to travel faster from city to city? If this had been their goal, I suppose wise counsel would have told them to invest in a better horse. But no. I suppose they were motivated by some heady dream. They saw a whole new frontier about to open for the first time. They wanted to open it, to create something that many people, as well as themselves, could enjoy. This is the way I feel about the free-nation challenge.

Do We Need to Keep a Low Profile?

Once again, I think we can see more clearly if we split this question apart. Who is “we”? I do not need to keep a low profile, as I will explain.

But many people who get in touch with FNF seem to be using protective coloration, and perhaps for good reason.¹



Richard Hammer

The state is big and nasty. People who decide to enjoy life in ways that the state deems punishable need to cover themselves. I endorse the efforts of these people, who are my friends in the libertarian movement, to live peaceably behind whatever guise they find appropriate. But, as these people make choices which require a low profile, I think they limit their ability to contribute in FNF’s mission of design and debate. So, apart from financial contributions, I think they cannot help much with FNF.

I believe it is possible for FNF to be completely open. I find it easier to be open, and not worry about what snoops might discover.

Please do not misunderstand me. I consider the state to be my enemy. As such I expect that the state might consider me to be its enemy. For all I know they watch my every move. They may have a bug in every room in my house. But that is okay with me, for these four reasons:

First, I do not have much to hide. As a gullible boy growing up in America, I grew up wanting to be President. Until recent years I thought that one day I might hold political office. Harboring this ambition, I have lived all my life with the assumption that anything I do might be exposed by a hostile press. I have chosen, almost uniformly, to forego any short-term convenience or pleasure which, if it were exposed, might undermine my long-term ambition. As such, while my life history is not squeaky clean, it is close enough that I am not worried about exposure. I have lived with the model of Gandhi: If ever the state throws me into jail for violating one of its dictates, I calculate that the imprisonment will embarrass the state more than it embarrasses me.

Second, thanks to the founding fathers of the US, and to the US Constitution, there is still plenty of liberty in America. America still has a Bill of Rights, which even some statist affirm. Within bounds, we can still meet and publish to refine our ideas.

Third, if you will look at FNF’s publications as I suppose the CIA might look at them, you will see that FNF poses no threat to US interests. The end of all FNF’s academic work really is nothing more than a peaceful market transaction, probably between a corporation and a third-world government.

Fourth, to the extent that libertarian ideas do pose a threat to existing states, this truth is more powerful than any existing government. Existing governments might force those who would publish into temporary hiding, but they cannot stop the truth.

Because of these things, FNF can be completely open. Ludwig von Mises did not hide his statement showing how the constitution of socialism must fail. He published it.² And FNF does not need to hide its statement showing how a consti-

¹ Spencer H. MacCallum, “New Countries and the Case For Keeping One’s Cards Close to One’s Chest,” *Formulations*, Vol. V, No. 1 (Autumn 1997).

² Ludwig von Mises, *Socialism*, (1922), 1981, *LibertyClassics*.

tution of liberty can succeed. We can publish it.

Now many libertarians, being in the habit of popular persuasion, might assume that FNF should try to grab headlines, since I say there is no reason for FNF to hide. But no. The mainstream media are beside the point to FNF. I believe that we should publish what we want in specialized media where our collaborators may be found. The mainstream media will ignore us almost completely, just as they ignored Mises. And that is fine.³

My plan in FNF has been to use the slack which still exists in the US. I can obey all their stinking laws and still carry out the FNF revolution. For me, obeying their stinking laws is a small price to pay for freedom to work toward FNF's exciting goal.

Why Don't I Seek Work in the Mainstream Libertarian Movement?

While you are tolerating my essay about myself, let me add one more thread which may help you understand my future involvement, or lack thereof, in the libertarian movement. To some people it seems natural that I might seek a job in some better-funded libertarian think tank.

But first, I am not sure I have the right temperament for that kind of work. Unless I am mistaken, virtually every other libertarian think tank works to carry the messages of Mises and Hayek to the masses. Or, if not to the masses, to the "intellectuals" as Hayek described them. But in either case this work entails diluting the truth until it is thin enough that either the masses or the intellectuals will try some. Typically this work involves researching the effects of policies, discovering that voluntary solutions work better (surprise, surprise), and packaging the results in such a way that, hopefully, the mainstream media will pick them up. To me, this is like teaching "two plus two is four," again and again.

And second, I suspect that the popular-persuasion paradigm, which is worked by other libertarian think tanks, overlooks something essential about the nature of the state. The state is a living thing.⁴ It will not sit, statically absorbing the force of our arguments until finally it crumbles under the assault. Rather, it

will enter the fray, actively fabricating arguments and building defenses. I doubt that the state will succumb to argument. It has to be out-organized. Or at least that is the paradigm I have pushed in FNF.

Nonetheless, the popular-persuasion paradigm is worthy work. I have to admit that it may have a higher chance of success than my free-nation paradigm. So I am thankful that many people undertake it. But to me it seems boring and perhaps misguided.

I want to work with people who join me in understanding, already, that two plus two is four. I seek collaborators in design more than I seek students. I am disposed more as an engineer than as a school teacher.

As I understand history, the Wright brothers never argued for their design of an airplane in the mainstream media. It never came up for a vote. Similarly, today, designers who conceive of a way to maximize the preservation of liberty, within an organization, do not need to beg acceptance from intellectuals. The organization can be started as soon as resources can be gathered. It does not matter what the majority thinks. This is my dream.△

³ "How to Handle the Press," *Formulations*, Vol. VI, No. 4 (Summer 1999).

⁴ "The State Is a Form of Life, a Legitimate Peer in the Family of Organizations," *Formulations*, Vol. VI, No. 3 (Spring 1999).

Richard O. Hammer spent much of December 1992, writing Toward A Free Nation, a booklet which became the founding prospectus for the Free Nation Foundation. Now, frustrated for the time being in his effort to find collaborators in the FNF work plan, he is learning the Java programming language. He plans to find employment in e-commerce, and within a few years may start some e-business.

ISIL Conference in Costa Rica

(Continued from page 1)

The status of libertarian movements in many parts of the world was discussed. Many of the speakers were from Latin America.

The highlight of the conference was a television hookup that allowed Milton Friedman to address us. We were able to ask questions. Someone asked him if he started income tax withholding and he acknowledged that he had played a part. The main part of his speech was fairly libertarian and he will remain a rich resource to use when addressing non-libertarians. For our work, his son has more to teach us.

The entertainment the last night was great with a salsa band and dancing into the night. The surprise was finding out that Jarret Wollstein loves to dance, including Latin American dances.

This conference was enjoyable and it was a delight to meet people who were so different and yet were dedicated to the same ideals. The lectures were interesting, the people were wonderful, the setting was gorgeous—but the cost was high. For the future, if you are looking for an excuse to go to the place where an I.S.I.L. conference will be held, then go for it. But if you are looking for the most cost-effective way to advance the movement, or to learn more about libertarian ideas, I am not sure this is it.△

Vigilantes of Montana by Thomas J. Dimsdale

Reviewed by Roy Halliday

Vigilantes of Montana by Thomas J. Dimsdale was published in book form 1865. It was first serialized in the *Montana Post*, of which Mr. Dimsdale was the editor-in-chief. It describes the exploits of vigilantes from Virginia City, Montana and its sister city Nevada, Montana from 1863 through 1865. It consists of true stories of courage and persistence on the part of the vigilantes as they pursued, arrested, tried, and punished road agents, murderers, and other dangerous criminals. More interesting to me than the stories, which constitute most of the book, are the occasional explanations of the rationale for the Vigilance Committee and the comments the author makes about the net result of its activities.

Life before the Vigilantes Organized

Sometimes on the American frontier settlers had to take the law into their own hands because the federal government had no meaningful presence there yet and the territorial government had not been created. This was *not* the case in Virginia City and Nevada, Montana. The citizens of these mining towns did not lack government law enforcers. What they lacked was honest and effective law enforcers. They had a duly elected sheriff and legally appointed deputy sheriffs to enforce law and order, but, unfortunately, the sheriff was the leader of the road agents and his deputies were his partners in crime.

Highway robberies and murders by road agents and other criminals were common in Montana in the 1860s. Honest citizens lived in fear. The jury system used by the government courts was ineffective.

"No matter what may be the proof, if the criminal is well liked in the community, 'Not Guilty' is almost certain to be the verdict of the jury, despite the efforts of the judge and prosecutor. If the offender is a moneyed man, as well as a popular citizen, the trial is only a farce—grave and prolonged, it is true, but capable of only

one termination—a verdict of acquittal." (13)

Criminals gained popularity among prospective jurors by frequently buying rounds of drinks at the local saloons. But



Roy Halliday

this was not their only means of swaying jurors. Intimidation of witnesses and jurors was another method commonly employed by the criminal community. Anyone who dared become a witness against a road agent was not likely to live long enough to testify in court, especially with the long delays associated with the governmental court proceedings. Potential witnesses were reminded that "dead men tell no tales." These were not idle threats. The road agents had spies who informed them whenever anyone reported a robbery or a murder to the authorities. Survivors of highway robberies were often tracked down and murdered so they could not testify. The members of any jury that dared to convict a criminal could not expect to outlive him, even if the criminal was sentenced to be hanged at dawn. So criminals who were guilty beyond a doubt were seldom arrested, and when they were arrested they were generally acquitted.

"The chances of a just verdict being rendered is almost a nullity. Prejudices, or selfish fear of consequences, and not reason, rules the illiterate, the lawless, and the uncivilized. These

latter are in large numbers in such places, and if they do right it is by mistake." (75)

The author expressed the feelings of his fellow citizens sarcastically when he wrote that they "might as well have applied to the Emperor of China, for redress or protection, as to any civil official." (45)

Henry Plummer, the leader of the road agents, was able to use his ill-gotten gains to make enough friends in Bannack, Montana to be fairly elected as sheriff. He immediately appointed two of his partners in crime, Buck Stinson and Ned Ray, to be his deputy sheriffs. Then Plummer proposed to the honest sheriff of newly settled Virginia City, Montana, that he should step down and allow Plummer to be sheriff of both cities. The sheriff of Virginia City consented, knowing that certain death was his only alternative. If someone was foolish enough to report a crime, Sheriff Plummer would inform his fellow murderers about it and the reporting citizen's life expectancy would suddenly drop.

"All along the route the ranchmen knew the road agents, but the certainty of instant death in case they revealed what they knew enforced their silence, even when they were really desirous of giving information or warning." (92)

Plummer acquired a head deputy named Dillingham, who was an honest man. Dillingham tried to warn a man named Dodge that Buck Stinson, Haze Lyons, and Charley Forbes intended to rob him. Dodge told the robbers about Dillingham's warning and Stinson, Lyons, and Forbes murdered Dillingham. Lyons fired first and hit Dillingham in the thigh. Stinson's bullet went over Dillingham's head. Forbes' shot went through Dillingham's chest and killed him within a few minutes. By prearranged agreement, their friend Deputy Sheriff Jack Gallagher, rushed out, confiscated their pistols, reloaded Stinson's pistol, and arrested them. They were tried right away without any red tape by a people's court. Stinson and Lyons were found guilty and sentenced to be hanged. Forbes was acquitted by a nearly unanimous vote because he was handsome and he made an eloquent speech at his trial,

and because Stinson's fully loaded gun was presented as belonging to Forbes. Later, Forbes bragged that he killed Dillingham and laughed at the softness of the miners who acquitted him. Stinson and Lyons were brought to the gallows. Judge Smith was called for. Lyons begged for mercy. Ladies in the audience pleaded to save the poor young boys' lives. The judge ordered a new vote on the sentences. The people had two options: hang or release the convicted murderers. The first two votes were inconclusive. The third vote was managed differently. Those who favored hanging marched between two men and those who favored release marched between two other men. Those favoring release "ingeniously increased their votes by the simple but effectual expedient of passing through several times." (79) So the murderers were set free.

"As a matter of course, after the failure of justice in the case of the murderers of Dillingham, the state of society, bad as it was, rapidly deteriorated, until a man could hardly venture to entertain belief that he was safe for a single day." (89)

The Case of George Ives

The case of George Ives began the vigilante movement in Montana. George robbed and murdered Nicholas Talt and hid his body in the sage brush where it froze solid and was discovered and brought into Nevada, Montana after 10 days. George had been seen with the dead man's mules and had been heard to say that Talt would never trouble anyone again. The citizens were so incensed by this crime that 25 men pledged mutual support to each other and rode out to capture George Ives in violation of the Magna Charta, the Bill of Rights, habeas corpus, and other sacred principles of legal hocus pocus.

"Marked for slaughter by desperadoes, these men staked their lives for the welfare of society." (107)

Sheriff Plummer was sent for by friends of the murderer to save Ives from vigilante justice. During Ives' trial his criminal friends tried to help him by planning methods for his escape, intimidating witnesses, making appeals to the sympathies of the jurors, and insisting

that fine points of the law be observed. But they deferred taking more drastic action until the arrival of their leader Sheriff Plummer. Unfortunately for George Ives, Plummer had heard rumors that a large body of vigilantes was coming after him so Plummer, more concerned for his own safety than for the safety of George Ives, stayed away from the scene. As a result, George Ives was found guilty of murder and was hanged while vigilante guards with loaded shotguns prevented Ives' friends from rescuing him.

"At last the deed was done. The law-abiding among the citizens breathed more freely, and all felt that the worst man in the community was dead—that the neck of crime was broken, and that the reign of terror was ended." (115)

Formation of the Vigilance Committee

The local criminals were scared by Ives' execution, but soon they resumed their predations and tried to reestablish their dominance. They threatened, watched, and followed all the prominent citizens who supported the arrest and conviction of Ives—looking for the first opportunity to murder them out of sight of witnesses.

But this time the criminals' tactics didn't work.

"One thing was conclusively shown to all who witnessed the trial of Ives. If every road agent cost as much labor, time and money for his conviction, the efforts of the citizens would have, practically, failed altogether. Some shorter, surer, and at least equally equitable method of procedure was to be found." (118-119)

Five men in Virginia City and one man in Nevada, Montana simultaneously began organizing a Vigilance Committee. Within two days they united their efforts.

"Merchants, miners, mechanics and professional men, alike, joined in the movement, until, within an incredibly short space of time, the road agents and their friends were in a state of constant and well-grounded fear, lest any remarks they might make confidentially to an acquaintance might be addressed to one who was a member

of the much-dreaded Committee." (121)

The Vigilance Committee comprised nearly every good man in the territory. They pledged to render impartial justice to all. They took time from their work, their leisure, and their families to spend days tracking down dangerous criminals through the snow in the frigid climate of Montana.

"The volunteers formed a motley group; but there were men enough among them of unquestioned courage, whom no difficulty could deter and no danger affright. They carried, generally, a pair of revolvers, a rifle or shotgun, blankets and some rope. Spirits were forbidden to be used." (125)

The vigilantes received no monetary compensation.

"The smiles of an approving conscience are about all, in the shape of reward, that is likely to be received by any of them for their brilliant services." (126)

They returned all stolen property that they recovered to its rightful owners or their heirs. When they were unable to recover stolen goods, they tried to compensate the victim as best they could. After executing a thief in front of a crowd of citizens:

"Before leaving the ground, a subscription was opened on behalf of the man whose money had been stolen, and the whole sum missing (\$400) was paid to him by the Committee. This was an act of scrupulous honesty, probably never before paralleled in any citizen's court in the world." (225-226)

Rationale of the Vigilantes

Dimsdale regarded government courts as part of the ideal way to control crime, but like John Locke, he and the other good citizens of Virginia City believed that the people have the right to take control when the government fails.

"Peace and justice we must have, and it is what the citizens will have in this community; through the courts, if possible; but peace and justice are rights, and courts are only means to

an end, admittedly the very best and most dependable means; and if they fail, the people, the republic that created them, can do their work for them." (268)

Dimsdale proposed this test for determining when it is necessary to establish a Vigilance Committee:

"The question of the propriety of establishing a Vigilance Committee depends upon the answers which ought to be given to the following questions: Is it lawful for citizens to slay robbers or murderers, when they catch them; or ought they to wait for policemen where there are none, or put them in penitentiaries not yet erected?" (16)

Dimsdale agrees with the answer arrived at by the vigilantes:

"Under these circumstances, it becomes an absolute necessity that good, law-abiding, and order-sustaining men should unite for mutual protection, and for the salvation of the community." (15)

Dimsdale defends the practice of hanging the criminals arrested and convicted by the vigilantes:

"... nothing but severe and summary punishment would be of any avail to prevent crime, in a place where life and gold were so much exposed." (225)

"None but extreme penalties inflicted with promptitude are of any avail to quell the spirit of the desperadoes with whom they have to contend; considerable numbers are required to cope successfully with the gangs of murderers, desperadoes and robbers who infest mining countries, and who, though faithful to no other bond, yet all league willingly against the law. (15)

"Finally, swift and terrible retribution is the only preventative of crime, while society is organizing in the far West. The long delay of justice, the wearisome proceedings, the remembrance of old friendships, etc., create a sympathy for the offender, so strong as to cause hatred of the avenging law, instead of inspiring a horror of the crime. ... in affairs of

single combats, assaults, shootings, stabbings, and highway robberies, this civil law, with its positively awful expense and delay, is worse than useless." (13-14)

He also defends the vigilantes' policy of secrecy:

"Secret they must be, in council and membership, or they will remain nearly useless for the detection of crime, in a country where equal facilities for the transmission of intelligence are at the command of the criminal and the judiciary; and an organization on this footing is a VIGILANCE COMMITTEE." (15)

Membership in the Vigilance Committee was voluntary, but a member's freedom to quit was not always respected, especially if he chose to quit at a critical moment. Dimsdale relates once incident in which a member of a vigilante group that had just captured and voted to execute two men tried to leave before the sentence was carried out:

"One of the party who had been particularly lip-courageous, now began to weaken, and discovered that he should lose \$2000 if he did not go home at once. Persuasion only paled his lips, and he started off. The click! click! click! of four guns, however, so far directed his fears into an even more personal channel, that he concluded to stay." (131-132)

The vigilantes did not attempt to capture and punish every known criminal. Their goal was not retributive justice. Instead they wanted to break up the criminal gangs and make the territory safe. Their strategy was to go after the leaders and the most dangerous criminals and to arrest them, try them, and, if found guilty, to hang them (1) to prevent the criminal from continuing his life of crime, and (2) to set an example to deter other criminals.

At the execution of John Dolan in 1864, the executive officer of the Vigilance Committee "addressed the crowd, stating that the execution of criminals such as Dolan was a matter of public necessity, in a mining country, and that the safety of the community from lawlessness and outrage was the only reason that dictated it." (224)

Results of the Vigilance Committee's Actions

According to Dimsdale's reporting, the Vigilance Committee was an unmitigated success amounting to a triumph of good over evil.

"Less than three years ago, this home of well-ordered industry, progress and social order, was a den of cut-throats and murderers. Who has effected the change? The Vigilantes; and there is nothing on their record for which an apology is either necessary or expedient." (268)

Being arrested by vigilantes was not equivalent to being found guilty and hanged. If the evidence was inconclusive, they released their prisoners—even when they were almost certain that their prisoners were morally culpable.

"The Vigilantes rigidly abstained, in all cases, from inflicting the penalty due to crime, without entirely satisfactory evidence of guilt." (165)

"The truth is, that the Vigilance Committee simply punished with death men unfit to live in any community, and that death was, usually, almost instantaneous, and only momentarily painful." (154)

Public reaction to vigilante justice was favorable. Upon hearing of the hanging of Jem Kelly an old miner said, "Served him right; he ought to have gone up long ago; I don't believe in whipping and banishing; if a fellow ain't fit to live here, he ain't fit to live nowhere, by thunder—that's so, you bet your life." (215)

The law-abiding public had no fear of being unjustly punished by the vigilantes:

"There is not now—and there never has been—one upright citizen in Montana, who has a particle of fear of being hanged by the Vigilance Committee." (250)

Even criminals who were hanged by the vigilantes agreed that what the vigilantes did was just. The last words of Erastus Yager, known simply as "Red," just before he was hanged were, "Good-by boys; God bless you. You are on a good undertaking." (135) Aleck Carter after being arrested and hearing the

names of others hanged by the vigilantes said, "All right; not an innocent man hung yet." (179) When Bob Zachary was arrested, tried, and sentenced to death, he dictated a letter to his mother, "in which he warned his brothers and sisters to avoid drinking whisky, card playing, and bad company, which, he said, had brought him to the gallows." When he was about to be hanged he prayed to God "to forgive the Vigilantes for what they were doing, for it was a pretty good way to clear the country roads of road agents." (185) Just before Bill Hunter was hanged "he shook hands with each of the company, and said that he did not blame them for what they were about to do." (192) Just before he was hanged, James Brady wrote a letter to his daughter which included these words, "I have been arrested, and sentenced to be hanged by the Vigilance Committee. In one short hour I shall have gone to eternity. It is my own fault." (213) At his hanging in front of five thousand people Brady addressed the crowd and said he hoped his execution would be a warning to others. (214) After his trial and conviction for murder, John Keene got up and said, "All I wanted was a fair and just trial; I think I have got it, and death is my doom; but I want time to settle up my business; I am not trying to get away." (239)

The vigilantes arrested, tried, and convicted men who were responsible for murdering 102 people. Under the laws and procedures enforced in the governmental courts these criminals probably would have been set free and protected from molestation.

After they executed Bill Hunter on February 3, 1864, there was no longer any openly organized gang of robbers in the territory. (194) The execution of R. C. Rawley, a road agent who fled the territory when the vigilantes organized but made the mistake of returning to Bannack in September 1864, prevented the criminal community from reorganizing.

"The effect of the execution was magical. Not another step was taken to organize crime in Bannack, and it has remained in comparative peace and perfect security ever since." (229)

The Vigilance Committee quickly rid Virginia City, Bannack, and the surrounding country of criminal gangs. Some of the criminals fled to Helena to resume their activities. The citizens of Helena followed the example of Virginia City and organized their own Vigilance Committee. After the initial war against criminals in the vicinity of Helena:

"Very little action was necessary on the part of the Vigilance Committee to prevent any combination of the enemies of law and order from exerting a prejudicial influence on the peace and good order of the capital; in fact the organization gradually ceased to exercise its functions, and although in existence, its name more than its active exertions sufficed to preserve tranquility." (253)

Conclusion

If you are the type of person who judges actions by their results, it is hard to deny that the vigilantes of Montana greatly improved conditions for their fellow citizens. This is the way Dimsdale saw it:

" 'All's well that ends well,' says the proverb. Peace, order and prosperity are the result of the conduct of the Vigilantes..." (267)

I am not sure that a more pacific approach would have worked. As much as I am philosophically opposed to retribution, I am tempted to justify what the vigilantes of Montana did on the grounds of self-defense. The stories in this book provide food for thought, especially for anyone considering forming a free nation in which dealing with crime, and everything else, will be handled exclusively by the private, voluntary sector.△

Vigilantes of Montana: Or Popular Justice in the Rocky Mountains by Thomas J. Dimsdale was republished by McGee Printing Company, Butte, Montana in 1950. Used copies may be found for sale at <<http://www.bookfinder.com>>.

Roy Halliday was a long-time friend of Murray and Joey Rothbard and he was saddened to hear about the recent passing of Joey. She had always welcomed him whenever he knocked on the door of their apartment in Manhattan, even on Sunday afternoons after she and Murray had been up all night drinking cocktails and playing Risk with other friends such as Leonard Liggio and Walter Block. More than once she dragged poor Murray out of bed to entertain and edify him. Roy regards Murray Rothbard as the most intelligent and knowledgeable person he has ever known and as one of the jolliest and most gracious of hosts.

Panarchy

by P. E. de Puydt

First published in French in the *Revue Trimestrielle*, Bruxelles, July 1860.

INTRODUCTION

by Philip Jacobson

Some will say that the essay "Panarchy" is nothing but an obscure, European, anarchist tract. It is not. It is a constitution for managing the political affairs of a nation big enough to be seen on a schoolchild's globe—a nation with discrete borders—originally, the nation of Belgium.

Put simply, de Puydt proposes a market for political enterprises, analogous to that for economic or religious enterprises. This is accomplished by allowing each individual to change government affiliation at any time, as one might re-establish residency from one state in the USA to another, but in de Puydt's system not requiring a physical change of residence. This is certainly not anarchy, nor even the "Virtual Government" I personally favor—not quite. De Puydt sees the relations between the separate political entities as a federal one. "Each government ... would stand politically related to the whole nation ... as ... the States of the American Union."

You may have heard the term "panarchy" before, or have read Roderick Long's comments on virtual cantons, or read mine on virtual government. But de Puydt's comments are the original ones—the mother of all panarchic systems. And his perspective, writing just before the American Civil War, is refreshing. He is living in the full bloom of the classical liberal era. He sees his ideas as nothing more than a logical extension of that thought, "laissez faire, laissez passer"—which they are.

Do not be confused by the references to long-dead Belgian politicians, or by the author's need to deal with the serious (in his day) controversy between the Monarchists and the "Republicans". Nor should the reader focus too much on de Puydt's statement that "It is not a matter of emigration ... I have no intention of resettling the population according to its convictions." His words are relevant both to those who would reform their homeland as well as to those who would leave to start a new nation. The idea of Panarchy transcends the political issues of different times and places. It is a formulation, a discussion of a specific constitutional structure, well within even a very conservative interpretation of FNF's goals and methods.

While not as fully fleshed out, de Puydt's ideas are quite comparable to Roderick Long's ideas about a "Virtual Canton" system, as published in *Formulations*. If you have not read Dr. Long's description of his system (Vol., I No. 1) or his proposed constitution (Vol. I, No. 4), I suggest that you do so after reading de Puydt. You'll find that "Panarchy" is a close cousin to Long's "Virtual Canton" system (perhaps even a "grandfather"). While I do not think Roderick Long was directly influenced by de Puydt, an indirect influence seems quite possible—though great minds often think alike.

Thanks to Australian John Zube for preserving, promoting, and translating (with the help of Adrian Falk) this libertarian classic. John Zube has written extensively on Panarchy and other libertarian topics. Mr. Zube's collection of his own and other authors' libertarian writing is available via highly affordable microfiche. (John Zube, POB 52 Berrima, NSW, Australia, Tel (02) 48771 436. Or <<http://www.acenet.com.au/~jzube>>)

I

Preface

A contemporary has said: "If the truth were in my hands, I should be careful not to open them." This is perhaps the saying of a savant, certainly that of an egotist. Another has written: "The truths which one least likes to hear are those which most need to be pointed out."

Here then are two thinkers whose views differ widely. I would rather agree with the second, although in practice his outlook presents difficulties. Wise men of all nations teach me that it is not always best to tell the full truth. However that may be, the problem is how to discern the truth. Moreover, the Scriptures say: "Hide not your light under a bushel."

Thus I am now confronted with a dilemma: I have a new theory, at least so I believe, and I feel it my duty to expound it. Although on the point of opening my hands, I hesitate; for what innovator has not been persecuted a little? The theory itself, once published, will make its way on its own merits, for I consider it advanced. My concern is rather for the author: Will he be forgiven for his idea?

There was once a man who saved Athens and Greece, who, in an argument following a discussion, said to some barbarian who was lifting a stick against him: "Strike—but listen!" Antiquity abounds with such good examples. Thus, in the matter of Themistocles, I set out my idea, saying to the public: "Read it to the end. You may stone me then if you please."

However, I don't expect to be stoned. The barbarian I spoke of died in Sparta 24 centuries ago, and we can all see how far humanity has come in 2,400 years. In our times ideas may be freely expressed; and if occasionally an innovator is attacked, it is not done physically, as in former times, but by calling him an agitator or utopian. Reassured by these thoughts I proceed resolutely to the thesis.

II

"Sirs, I am a friend of all the world."

Sosie, a double, in Moliere's writings.

I have a high esteem for political economy and would that the world shared my opinion. This science, of recent origin, yet already the most significant of all, is far from reaching fulfilment. Sooner or later (I hope it is sooner) it will govern all things. I am justified in this opinion, for it is from the works of the economists that I have derived the principle whereof I propose a new application still farther reaching and no less logical than all others.

Let us first quote a few aphorisms whose connection will prepare the reader for what follows.

"Freedom and property are directly connected—one favours the distribution of wealth, the other makes production possible."

"The value of wealth depends on the use to which it is put."

"The price of services varies directly with demand and inversely with supply."

"Division of labour multiplies wealth."

"Freedom brings about competition, which in turn generates progress."

Ch. de Brouchere, *Principes Generales Politiques*.

Thus there is a need for free competition, first of all between individuals, later internationally—freedom to invent, work, exchange, sell, and buy, freedom to price one's products—and simply no intervention by the State outside its special sphere. In other words: "Laissez-faire, laissez-passer!"

There, in a few lines, is the basis of political economy, a summary of the science without which there can be nothing but faulty administration and deplorable government. One can go further still, and in most cases reduce this great science to one final formula: "Laissez-faire, laissez-passer!"

I recognise this; and go on to say: In science there are no half truths. There are no truths which are true on the one side and cease to be true under another as-

pect. The system of the universe exhibits a wonderful simplicity, as wonderful as its infallible logic. A law is true in general; only the circumstances are different. Beings from the most noble to the lowest, from the living plant, even down to the mineral, show intimate similarities in structure, development and composition; and striking analogies link the moral and material worlds. Life is an entity, matter is an entity; only their physical manifestations vary. The combinations are innumerable, the particulars infinite; yet the general plan embraces all things. The feebleness of our understanding and our fundamentally wrong education, are alone responsible for the confusion of systems and inconsistency of ideas. Of two conflicting opinions there is one true and one false, unless both are false; they cannot both be true. A scientifically demonstrated truth cannot be true here and false elsewhere; true, e.g. for political economy and false for politics. This is what I want to prove.

Is the great law of political economy, the law of free competition, "laissez-faire, laissez-passer", applicable only to regulate industrial and commercial affairs or, more scientifically, only to the production and exchange of wealth?

Think of the economic confusion which this law has dispelled: the permanently troubled condition, the antagonism of conflicting interests, which it has resolved. Are not these conditions equally present in the domain of politics? Does not the analogy indicate a similar remedy for both cases: "Laissez-faire, laissez-passer!"?

We should realise though that there do exist, here and there, governments as liberal as human weakness actually permits, wrong only in assuming that all is for the best in the better republics. Some say: "This is precisely because there is too much freedom"; the others: "This is because there is still not enough freedom." The truth is that there is not enough of the right kind of freedom, the fundamental freedom to choose to be free or not to be free, according to one's preference. Every man is a self-appointed judge, and settles this question according to his particular tastes or needs. Since there abound as many opinions as individuals, "tot homines, tot sensus", one can see what confusion is graced by the good name of politics: The

freedom of some denies the rights of others, and vice versa. The wisest and best of governments never functions with the full and free consent of all its subjects. There are parties, either victorious or defeated; there are majorities and minorities in perpetual struggle; and the more confused their notions are, the more passionately they hold to their ideals. Some oppress in the name of right, the others revolt for the sake of liberty, to become oppressors in turn, as the case may be.

"I see!" the reader might say. "You are one of those utopians who would construct out of many pieces a system wherein society would be enclosed, by force or consent. Nothing will do the way it is, and your panacea alone will save mankind. I cannot accept that!"

But you are wrong! My problem is quite a general one. I differ from no one except on one point, namely, that I am open to any persuasion whatsoever; in other words, I allow any of the forms of government—at least all those that have some adherents.

"I do not follow you."

Well, allow me to go on. There is a general tendency to push theories too far; but does it follow that all the elements of such a theory must be wrong? It has been said that there are perversities or foolishness in the exercise of human intelligence; but to declare one does not like speculative ideas and detests theories, would that not mean a renunciation of our reasoning powers? These considerations are not my own; they were held by one of the greatest thinkers of our time—Jeremy Bentham.

Royer-Collard expressed the same thought with great succinctness: "To hold that theory is good for nothing and that experience is the sole authority, means the impertinence of acting without knowing what one does and of speaking unaware of what one is talking about." Although nothing is perfect in human endeavours, at least things move towards an ultimate perfection; that is the law of progress. The laws of nature alone are immutable; all legislation must be based on them, for they alone have the strength to support the structure of society; but the structure itself is the work of mankind.

Each generation is like a new tenant who, before moving in, changes things around, cleans up the facade, and adds or pulls down an annex, according to his own needs. From time to time some generation more vigorous or short-sighted than its predecessors, pulls down the whole building, sleeping-out in the open until it is rebuilt. When, after a thousand privations and with enormous efforts, they have managed to rebuild it to a new plan, they are crestfallen to find it is not much more comfortable than the old one. It is true that those who drew up the plans are set up in good apartments, well situated, warm in winter and cool in summer; but the others, who had no choice, are relegated to the garrets, the basements or the lofts. So there are always enough dissenters and trouble makers, of whom some miss the old building, whilst some of the more enterprising already dream of another demolition. For the few who are satisfied there is an innumerable mass of objectors. We must remember however that a few are satisfied. The new edifice is indeed not faultless, but it has some advantages; why pull it down tomorrow, later, indeed ever, as long as it shelters enough tenants to keep it going? I myself detest the wreckers as much as the tyrants. If you feel your apartment is inadequate or too small or unhealthy, then change it—that is all I ask. Choose another place, move out quietly; but for heaven's sake don't blow up the whole house as you go. What you found unsuitable might delight your neighbour. Do you understand my comparison?

"Almost, but what are the consequences of this? To have no more revolutions would be fine. I feel that nine times out of ten their costs outweigh their achievements. We prefer to keep the old building, but where can you accommodate those who move out?"

Wherever they like, this is none of my business. I feel that this way liberty is best preserved. This is the basis of my system: "Laissez-faire, laissez-passer!"

"I think I understand: Anyone, not content with the government as it is, must look elsewhere for another. Actually, there has been a choice, from the time of the Moroccan empire right up the republic of San Marino, without mentioning all the other empires, from the

City of London to the American Pampas. Is that all your theory amounts to? It is nothing new, I can tell you."

It is not a matter of emigration. "A man does not carry his native land on the soles of his shoes." As for the rest, such colossal expatriation is and always will be impracticable. The expense involved could not be met by all the wealth in the world. I have no intention of resettling the population according to its convictions, relegating Catholics to the Flemish Provinces, for example, or marking the liberalist frontier from Mons to Liege. I hope we can all go on living together wherever we are without this, however one likes but without discord, like brothers, each freely holding his opinions and submitting only to a power chosen and accepted by himself.

"I do not understand this at all."

I am not at all surprised. My plan, my utopia, is apparently not the old story you first thought it to be; yet nothing in the world could be simpler or more natural. However, it is common knowledge that in government, as in mechanics, the simplest ideas always come last. We are coming to the point: One can find nothing lasting except on liberty. Nothing that already exists can maintain itself or operate with full efficiency without the free interplay of all its active parts. Otherwise energy is wasted, parts wear out rapidly, and there are, in fact, breakdowns and serious accidents. Thus I demand, for each and every member of human society, freedom of association according to inclination and of activity according to aptitude. In other words, the absolute right to choose the political surroundings in which to live, and to ask for nothing else. For instance, suppose you were a republican...

"Me? May heaven help me!"

Just suppose you were: Monarchy does not suit you—the air is too stifling for your lungs and your body does not have the free play and action your constitution demands. According to your present frame of mind, you are inclined to tear down this edifice, you and your friends, and to build your own in its place. But to do that you would come up against all the monarchists who cling to their monument, and in general all those who do not share your convictions. Do

better: assemble, declare your program, draw up your budget, open membership lists, take stock of yourself; and if numerous enough to bear the costs, establish your republic.

"Whereabouts? In the Pampas?"

No, truly not—here where you are, without moving. I agree that it is necessary, up to the present, to have the monarchists' consent. For the sake of my argument, I suppose the matter of principle to be settled. Otherwise I am well aware of the difficulty of changing the state of affairs to the way it should be and must become. I simply express my idea, not wishing to impose it on anyone; but I see nothing which might suppress it but the routine.

Don't we know how bad a household establishment the governed and the governments make together, everywhere? On the civil level we provide against unworkable households by legal separation or divorce. I suggest an analogous solution for politics, without having to circumscribe it with formalities and protective restrictions, for in politics previous associations leave no children or physical marks. My method differs from unjust and tyrannical procedures followed in the past in that I have no intention to do anyone violence. Those wishing to form their own political schism may be its founders, but on one condition, that is, to do so among themselves, within their group, affecting neither the rights nor the creed of others. To achieve this, it is absolutely not necessary to subdivide the territory of the State into so many parts as there are known and approved forms of government. As before, I leave everyone and everything in its place. I only demand that people make room for the dissenters so that they may build their churches and serve the Almighty in their own fashion.

"And tell me, please, how are you going to put this into practice?"

This is just my strength. Are you aware of the methods of a civil registry office? It is just a matter of a new application of them. In each community a new office is opened, a "Bureau of Political Membership". This office would send every responsible citizen a declaration form to fill in, just as for the income tax or dog registration:

Question: What form of government would you desire? Quite freely you would answer, monarchy, or democracy, or any other.

Question: If monarchy, would you have it absolute or moderate..., if moderated, how? You would answer constitutional, I suppose.

Anyway, whatever your reply, your answer would be entered in a register arranged for this purpose; and once registered, unless you withdrew your declaration, respecting the legal forms and delays, you would thereby become either a royal subject or citizen of the republic. Thereafter you are in no way involved with anyone else's government—no more than a Prussian subject is with Belgian authorities. You would obey your own leaders, own laws, and own regulations. You would pay neither more nor less, but morally it would be a completely different situation.

Ultimately, everyone would live in his own individual political community, quite as if there were not another one near—nay, ten other political communities coexisting with his, each having its own contributors too.

If a disagreement came about between subjects of different governments, or between one government and a subject of another, it would simply be a matter of observing the principles hitherto observed between neighbouring peaceful States; and if a gap were found, it could be filled without difficulties by human rights and all other possible rights. Anything else would be the business of common courts of justice.

"This is a new gold mine for legal arguments, which would bring all lawyers to your side."

I counted on this. These legal disputes could and should interest all inhabitants of a certain district likewise, no matter what their political allegiance is. Each government, in this case, would stand politically related to the whole nation, almost as each of the Swiss cantons, or better, the States of the American Union, stand to their federal government. Thus, all these fundamental and seemingly frightening questions are met with ready-made solutions; jurisdiction is established over most issues and would present no difficulties whatsoever.

Certainly it will happen that some malicious spirits, incorrigible dreamers and unsociable natures, will not accommodate themselves to any known form of government. Also there will be minorities too weak to cover the costs of their ideal States. So much the worse for them. These odd few are free to propagate their ideas and to recruit up to their full complement, or rather, up to the needs of their budget, after which all would resolve into a matter of finance. Until then they will have to opt for one of the established patterns. You must admit that insolvent minorities will not cause any trouble.

This is not all. The problem rarely arises over extreme opinions. One fights more often, one struggles much harder, for shades of colour than for the national flag. I have no doubt that in Belgium the overwhelming majority would opt for the flourishing institutions, a few accepted

shortcomings notwithstanding; but would one be more content with their functioning? Do we not have two or three million Catholics who follow only Mr. de Theux and two or three million Liberals who owe allegiance only to themselves? How can they be reconciled?—By not trying to reconcile them at all; by letting each party govern itself. Freedom should even extend to the right not to be free, and should include it.

Due however to the fact that only shades of opinion are required to multiply the government machinery infinitely, one will exert oneself in the general interest to simplify this machinery. One will apply the same cog to achieve a double or threefold effect.

I shall explain myself: A wise and openly constitutional king could suit both Catholics and Liberals—only the ministry would have to be doubled, Mr. de Theux for some, Mr. Frere-Organ for the others, the King for all. Who would hinder certain gentlemen, whom I shall not name, if they convened to introduce absolutism, letting the same prince use his superior wisdom and rich experience to manage those gentlemen's business, freeing them of the regretful necessity of having to express their opinions about government affairs? Truly, when I think of it, I do not see why this one prince should not make a quite acceptable president of an honest, moderate republic, if one accepts the contrary settlement. Such a plurality of offices should not be prohibited.

III

"Though freedom has its inconvenience and pitfalls, in the long run it always leads to deliverance."

M.A. Deschamps

One of the many incomparable advantages of my system is to render unimportant, natural, and completely legal, those differences of opinion which in our time have brought some upright citizens into disrepute, and which one has cruelly condemned under the name of political apostasies. Such impatience for change, which has been considered criminal in honest people, which has caused old and new nations to be accused of wantonness and ingratitude, what is it but the will to progress?

Furthermore, is it not strange that in most cases those, accused of capriciousness and instability, are precisely those who are most loyal to themselves? The faith one would like to have in one's party, flag, and prince, is possible if party and prince are constant; but what if they do change, or give way to others who are not their equals? Suppose I had selected as guide and master the best prince of the times, I had acquiesced to his powerful and creative will and foregone my personal initiative, to serve his genius. On his death he might be followed, by succession, by some narrow-minded individual, full of wrong ideas, who little by little squanders his father's achievement. Would you expect me to remain his subject? Why? Simply because he would be the direct, legitimate heir? Direct, I allow; but not legitimate in the least, as far as I am concerned. I would not rebel over this matter—I have said that I detest revolutions—but I would feel injured, and entitled to change at the end of the contract. Madame de Stael once said to the Czar: "Sir, your character is your subjects' constitution and your conscience your guaranty."—"If that were so", answered Alexander, "I would have been merely a happy accident." These words, so lucid and true, completely convey my meaning.

My panacea, if you will allow this term, is simply free competition in the business of government. Everyone has the right to look after his own welfare as he sees it and to obtain security under his

own conditions. On the other hand, this means progress through contest between governments forced to compete for followers. True worldwide liberty is that which is not forced upon anyone, being to each just what he wants of it; it neither suppresses nor deceives, and is always subject to a right of appeal. To bring about such a liberty, there would be no need to give up either national traditions or family ties, no need to learn to think in a new language, no need at all to cross rivers or seas, carrying the bones of one's ancestors. It is simply a matter of declaration before one's local political commission, for one to move from republic to monarchy, from representative government to autocracy, from oligarchy to democracy, or even to Mr. Proudhon's anarchy—without so much as removing one's dressing gown or slippers.

Are you tired of the agitation in the forum, the hair-splitting of the parliamentary tribune, or the rude kisses of the goddess of freedom? Are you so fed up with liberalism and clericalism as to sometimes confuse Mr. Dumortier with Mr. de Fre, to forget the exact difference between Mr. Rogier and Mr. de Decker? Would you like the stability, the soft comfort, of an honest despotism? Do you feel the need for a government which thinks for you, acts for you, sees everything and has a hand everywhere, and plays the role of deputy-providence as all governments like to do? You do not have to migrate South like the swallows in autumn or geese in November. All you desire is here, there, everywhere; enter your name and take your place!

What is most admirable about this innovation is that it does away, for ever, with revolutions, mutinies, and street fighting, down to the last tensions in the political atmosphere: Are you dissatisfied with your government?—Change over to another!—Four words, always associated with horror and bloodshed, words which all courts, high and low, military and special, without exception, unanimously find guilty of inciting to rebellion—these four words become innocent, as if in the mouths of seminarists, and as harmless as the medicine so wrongly mistrusted by Mr. de Pourcaugnac.

"Change over to another" means: Go to the Bureau for Political Membership, cap in hand, and ask politely for your

name to be transferred to any list you please. The Commissioner will put on his glasses, open the register, enter your decision, and give you a receipt. You take your leave, and the revolution is accomplished without spilling any more than a drop of ink.

As it affects you alone, I cannot disagree with it. Your change affects no one else—that is its merit; it does not involve a victorious majority or a defeated minority; but nothing will prevent 4.6 million Belgians from following your example if they wish. The Bureau for Political Membership will ask the remaining individuals to declare their choice.

What, basically, all preconceptions apart, is the function of any government?—As I have indicated above, it is to supply its citizens with security, in the widest sense of the word, under optimum conditions. I am well aware that on this point our ideas are still rather confused. For some people not even an army is protection enough against outside enemies; for some not even a police force, a security force, a royal prosecutor and all the honourable judges do suffice to assure internal order and protect rights and property. Some people want a government with its hands full of well-paid positions, impressive titles, striking decorations, with customs at the frontiers to protect industry against the consumers, with legions of public servants to maintain the fine arts, theatres and actresses. I know too of the empty slogans propagated by governments playing at providence, such as we have mentioned before. Until experimental freedom has done justice to them, I see no harm in letting them continue to the satisfaction of their adherents. I ask one thing only: Freedom of choice.

In a nutshell: Freedom of choice, competition—"laissez-faire, laissez-passer!" This marvellous device, inscribed on the banner of economic science, will one day be the principle of the political world too. The expression "political economy" gives some foretaste of it and, interestingly, some people have already tried to change this name, for instance, into "social economy". The intuitive good sense of the people has disallowed this concession. The science of economics is and always will be the political science par excellence. Was it not the former which created the modern

principle of non-intervention and its slogan "laissez-faire, laissez passer!"? Let us try free competition in the business of government as in all other cases.

Imagine, after the first surprise, the picture of a country exposed to governmental competition—that is to say, simultaneously possessing as many regularly competing governments as have ever been conceived and will ever be invented.

"Yes indeed, that will be a fine mess! Do you suppose we could extricate ourselves from such a confusion?"

Surely, nothing is simpler to understand if only one applies oneself to it a little. Do you remember the times when people shouted religious opinions more loudly than anyone ever shouted political arguments? When the divine creator became the Lord of Hosts, the avenging and pitiless God in whose name blood flowed in rivers? Men have always tried to take the divine cause into their own hands—to make Him an accomplice of their own bloodthirsty passions: "Kill them all! God will recognize His own!"

What has become of such implacable hatreds?—The progress of the human spirit has swept them all away, like the wind the dead leaves of autumn. The religions in whose names were set up stakes and instruments of torture, survive and live together peacefully, under the same laws, eating from the same budget. If each sect preaches only its own excellence, then it achieves more than were it to persist in condemning its rivals. Indeed, has it not become possible in this obscure, unfathomable region of the conscience (what with the proselytism of some, the intolerance of others, the fanaticism and ignorance of the masses), is it not possible to the extent that it is practised in half the world without resulting in unrest or violence? Moreover, particularly where there are divergent creeds, numerous sects exist on a footing of complete legal equality; and people are, in fact, more circumspect and careful of their moral purity and dignity than anywhere else. And what has become possible under such difficult conditions must be all the more possible in the purely secular domain of politics, where the whole science can be expressed in four words: "Laissez-faire, laissez-passer!"

Under the present conditions a government exists only by the exclusion of some, and one party can rule only after splitting its opponents; a majority is always harassed by a minority which is impatient to govern. Under such conditions it is quite inevitable that the parties hate each other and live, if not at war, at least in a state of armed peace. Who is surprised to see that minorities intrigue and agitate, and that governments put down by force aspiring political forms which would be exclusive too? So society ends up composed of ambitious resentful men, waiting for vengeance, and ambitions satisfied men, complacent on the edge of a precipice. Erroneous principles never bring about just consequences, and coercion never leads to right or truth.

All compulsion should cease. Every adult citizen should be, and remain, free to select from among the possible offered governments the one which conforms to his will and satisfies his personal needs; free not only on the day following some bloody revolution, but always, everywhere, free to select, but not to force his choice on others. Then all disorder will cease, all fruitless struggle will be avoided.

This is only one side of the questions; there remains another: From the moment when forms of government are subject to experimentation and free competition, they are bound to progress and perfect themselves; that is natural law. No more hypocrisy, no more apparent profundities which contain merely a void. No more machinations passing for diplomatic subtlety. No more cowardly moves or impropriety camouflaged as State policy. No more court or military intrigues deceitfully described as being honourable or in the national interest. In short, no more lies regarding State machinery. Everything is open to scrutiny. The subjects making and comparing observations, the governors will finally see this truth of economics and politics, that in this world there is only one condition for a solid, lasting success, and that is, to govern better and more efficiently than others. From this moment on, forces formerly wasted on useless labour—on friction and resistance—will unite to bring about an unprecedented, almost incomprehensible impulse towards the progress and happiness of mankind.

"Amen! Allow me one small objection: When all possible types of government have been tried everywhere publicly and under free competition, what will be the result? One form is sure to be recognised as the best, and thus finally everyone will choose it. This would lead us back to having one government for all, which is just where we began."

Not so fast please, dear reader. Do you freely admit that all would then be in harmony and that this would be just as when we began? Your objection gives support to my fundamental principle, in so far as it expects this universal agreement to be established by the simple expedient of "laissez-faire, laissez-passer!"

I could seize this opportunity to declare you convinced—converted to my system—but I am not interested in half-convictions and am not looking for converts. No, we would not revert to having a single form of government, unless perhaps in the far-distant future when governmental activities will be reduced by common consent to the simplest form. We are not there yet, not anywhere near it.

It is obvious that men are neither of the same opinion or moral attitude, nor as easily reconciled as your suppose. The rule of free competition is therefore the only possible one. One man needs excitement and struggle—quietness would be deadly to him. Another, a dreamer and philosopher, is aware of the movements of society only in the corner of his eye—his thoughts are formed only in the most profound peace. One, poor, thoughtful, an unknown artist, needs encouragement and support to create his immortal work, a laboratory for his experiments, a block of marble to sculpt angels. Another, a powerful and spontaneous thinker, endures no fetters and breaks the arm that would guide him. For one a republic is satisfactory, with its dedication and self-denial; for another an absolute monarchy, with its pomp and splendour. One, an orator, would like a parliament; another, incapable of speaking ten connected words, would have nothing to do with such babblers. There are strong spirits and weak minds, some with insatiable ambitions, and some who are humble—happy with the small share which befalls them.

Finally, there are as many needs as different personalities. How could all these be reconciled by a single form of government? Clearly, people would accept it only in varying degrees. Some would be content, some indifferent, some would find faults, some would be openly dissatisfied, some would conspire against it. Whatever happens, count on human nature that the number satisfied would be smaller than the number of dissenters. However perfect a government might be—be it absolutely perfect—there will always be one opposition: the people whose natures are imperfect, to whom the whole structure is incomprehensible, even disagreeable. In my system the most extreme dissatisfaction would be similar to the marital dispute, with divorce as its final solution.

However, under the reign of competition, which government would allow itself to be overtaken by the others in the race for progress? What perfection available to one's happy neighbour would one refuse in one's own house? Such constant competition would work wonders. In fact, the subjects would become models of perfection too. Since they will be free to come and go, to speak or be silent, to act or to leave things alone, they would have only themselves to blame if they were not completely happy. From now on, instead of forcing attention on opposition, they will satisfy their vanity by assuring themselves and persuading others that their own government is the most perfect imaginable. Thus, between governors and governed a friendly understanding will grow up, a mutual trust and ease of relationships easily understood.

"What! You who are wide awake do seriously dream of complete harmony between parties and political movements? You expect them to live side by side in the same territory without tensions? Without the stronger seeking to subdue and annex the weaker? You imagine that such thorough confusion would produce a universal language?"

I believe in the universal language, to the same extent as I believe in the supreme power of freedom to bring about world peace. I can predict neither the hour nor the day of this universal agreement. My idea is merely a seed in the wind. Will it fall on fertile ground or

on the cobbled road? I can have no say in this. I propose nothing.

Everything is just a matter of time. Who, a century ago, believed in freedom of conscience, and who, these days, would dare question it? Is it so very long since people scoffed at the idea of the Press being a power within the State? Yet now upright statesmen bow before it. Did you foresee this new force of public opinion, whose birth we have all of us witnessed, which, although still in its infancy, imposes its verdict even on empires? It is of utmost importance even in the decisions of despots. Would you not have laughed in the face of anyone daring to predict its rise?

"Now that you are not making concrete proposals, we can talk about it. Tell me for instance how anyone is to recognise his own government among this confusion of authorities? And if one may at any time join this government and resign from that, on whom or what could you rely to settle the State budget and to maintain the list of members?"

In the first case, I do not suggest one should be free to change one's government capriciously, causing it to go bankrupt. For this sort of contract one must prescribe a minimum term—say one year. Judging from the examples of France and elsewhere, I think it might very well be possible to support for a whole year the government to which one has subscribed. Regularly approved and balanced State budgets need oblige everyone only to the extent found necessary as a result of free competition. In any disputes, regular courts would make decisions. Regarding recognition of its subjects, constituents, or taxpayers, would this really present more difficulties than for each church to account for its believers, or each company its shareholders?

"But you would have ten or twenty governments instead of one; thus, as many budgets and membership lists; and general expenses would multiply with the number of government departments."

I do not deny the validity of this objection. Notice though that, due to the law of competition, each government would necessarily endeavour to become as simple and economical as possible. The government departments, which cost us (God knows!) our very eyes, would

reduce themselves to bare necessities; and superfluous office-holders would have to give up their positions and take on productive work.

This way the question would be only half answered, and I dislike incomplete solutions. Too many governments would constitute an evil and cause expenses if not confusion. However, once one notices this evil, the remedy is at hand. The common sense of the people would do justice to any irregularities, and soon only workable governments would be able to carry on. The others would die of exhaustion. You see, freedom is the answer to everything.

"Perhaps! Do you believe that the existing dynasties, the prevailing majorities, the present corporations and accredited theories, would retreat and quietly arrange themselves behind the banner of 'laissez-faire, laissez-passer'!? You have put it all very well that you are not making concrete proposals, but that does not get you out of the debate."

Tell me first of all if you really think they would be so confident of themselves to be able always to afford to decline such large concessions? I myself would not overthrow anybody. All governments exist through some kind of innate power which they more or less skillfully use to survive. From now on they have an assured place in my system. I do not deny that at first they may lose a considerable number of their involuntary followers; but without considering the chances of it coming about, what wonderful compensations do result from the security and stability of power! Less subjects, in other words, less taxpayers; but for compensation they will have complete submission—voluntary, moreover, for the whole term of the contract. No more compulsion, fewer security officers, hardly any police, soldiers—but only for the sake of parades, therefore only the especially good-looking ones. Expenses will decrease fast enough not to decrease incomes; no more loans; and no more financial difficulties. What has so far been seen only in the New World will become reality: Economic systems which at least would make men happy. What majority would not agree to losing the whole of the minority?

principle of non-intervention and its slogan "laissez-faire, laissez passer!"? Let us try free competition in the business of government as in all other cases.

Imagine, after the first surprise, the picture of a country exposed to governmental competition—that is to say, simultaneously possessing as many regularly competing governments as have ever been conceived and will ever be invented.

"Yes indeed, that will be a fine mess! Do you suppose we could extricate ourselves from such a confusion?"

Surely, nothing is simpler to understand if only one applies oneself to it a little. Do you remember the times when people shouted religious opinions more loudly than anyone ever shouted political arguments? When the divine creator became the Lord of Hosts, the avenging and pitiless God in whose name blood flowed in rivers? Men have always tried to take the divine cause into their own hands—to make Him an accomplice of their own bloodthirsty passions: "Kill them all! God will recognize His own!"

What has become of such implacable hatreds?—The progress of the human spirit has swept them all away, like the wind the dead leaves of autumn. The religions in whose names were set up stakes and instruments of torture, survive and live together peacefully, under the same laws, eating from the same budget. If each sect preaches only its own excellence, then it achieves more than were it to persist in condemning its rivals. Indeed, has it not become possible in this obscure, unfathomable region of the conscience (what with the proselytism of some, the intolerance of others, the fanaticism and ignorance of the masses), is it not possible to the extent that it is practised in half the world without resulting in unrest or violence? Moreover, particularly where there are divergent creeds, numerous sects exist on a footing of complete legal equality; and people are, in fact, more circumspect and careful of their moral purity and dignity than anywhere else. And what has become possible under such difficult conditions must be all the more possible in the purely secular domain of politics, where the whole science can be expressed in four words: "Laissez-faire, laissez-passer!"

Under the present conditions a government exists only by the exclusion of some, and one party can rule only after splitting its opponents; a majority is always harassed by a minority which is impatient to govern. Under such conditions it is quite inevitable that the parties hate each other and live, if not at war, at least in a state of armed peace. Who is surprised to see that minorities intrigue and agitate, and that governments put down by force aspiring political forms which would be exclusive too? So society ends up composed of ambitious resentful men, waiting for vengeance, and ambitions satisfied men, complacent on the edge of a precipice. Erroneous principles never bring about just consequences, and coercion never leads to right or truth.

All compulsion should cease. Every adult citizen should be, and remain, free to select from among the possible offered governments the one which conforms to his will and satisfies his personal needs; free not only on the day following some bloody revolution, but always, everywhere, free to select, but not to force his choice on others. Then all disorder will cease, all fruitless struggle will be avoided.

This is only one side of the questions; there remains another: From the moment when forms of government are subject to experimentation and free competition, they are bound to progress and perfect themselves; that is natural law. No more hypocrisy, no more apparent profundities which contain merely a void. No more machinations passing for diplomatic subtlety. No more cowardly moves or impropriety camouflaged as State policy. No more court or military intrigues deceitfully described as being honourable or in the national interest. In short, no more lies regarding State machinery. Everything is open to scrutiny. The subjects making and comparing observations, the governors will finally see this truth of economics and politics, that in this world there is only one condition for a solid, lasting success, and that is, to govern better and more efficiently than others. From this moment on, forces formerly wasted on useless labour—on friction and resistance—will unite to bring about an unprecedented, almost incomprehensible impulse towards the progress and happiness of mankind.

"Amen! Allow me one small objection: When all possible types of government have been tried everywhere publicly and under free competition, what will be the result? One form is sure to be recognised as the best, and thus finally everyone will choose it. This would lead us back to having one government for all, which is just where we began."

Not so fast please, dear reader. Do you freely admit that all would then be in harmony and that this would be just as when we began? Your objection gives support to my fundamental principle, in so far as it expects this universal agreement to be established by the simple expedient of "laissez-faire, laissez-passer!"

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Libertarian Community of Utopia: One Country, Three Systems

by Adrian C. Hinton

This paper develops a political framework inside which the libertarian advocates of proprietary communities, limited government, and market anarchism would be able to peacefully coexist as a single free nation. Embellished with some fictional details and humorous elements, I'd like to show exactly how it could be done.

Libertarians, imagine it's 2050.

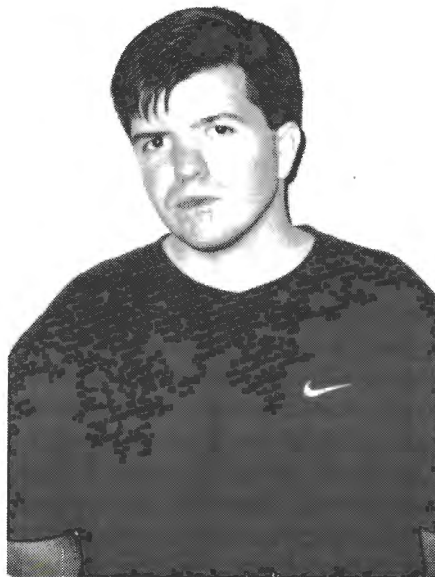
One Country: Utopia May Be an Option?

The hypothetical country detailed is the Libertarian Community of Utopia (LCU). This free nation consists of three differing "libertarianisms"—one anarchist system, one minarchist system, and one proprietary system—merging as a libertarian society for mutual economic benefit, trilateral moral support, and gradual ideological perfection. Peace between these three systems is not a treaty or a constitution or a document of any sort, but a condition of permanent non-aggression between members of the LCU.

Importantly, theirs is not a military alliance. Because each member retains independent responsibility for defending its own territory, every citizen is guaranteed freedom of foreign policy, and any overseas intervention is done by private defense contractors. Since militia forces may be state-owned, or privately-owned, or armed individuals with their own weapons (depending on where), the LCU has no central military command. Instead, members of the LCU simply defend themselves, refuse to attack one another, and let their citizenry choose what overseas actions to support.

Libertarians all oppose the initiation of physical force, either by individuals or by governments, and libertarians all believe in non-aggression toward others. Therefore, regardless of which "libertarianism" one believes in—whether anarchist, minarchist, or propri-

etary—libertarians anywhere in the LCU will universally keep the peace alive, and the three "libertarianisms" practiced inside the LCU will be universally peaceful toward each other. The only threat



Adrian Hinton

would come from non-libertarian outside forces, or else (possibly) from an inside force trying to use anarchism as an excuse for violence; in the former case, a libertarian nation would have both sophisticated technology and motivated volunteers enough to repel any conceivable attack. In the latter case, such anarcho-terrorists would find themselves surrounded by both anarchist libertarians who don't believe in terrorism, and those non-anarchist libertarians who don't believe that anarchy is an excuse for violence. In basic terms, LCU would be enemy-proof.

Now that I have given the reader some idea of how the entire free nation would work, allow me to provide more information on the "libertarianisms" one can find there.

Three Systems: Inner Utopia, Outer Utopia, and the Proprietary States

Each of these distinct realms came into existence by purely free market means. First, a group of rich American libertarians called the Libertarian Colonization Society (LCS) opened talks with an impoverished Third World country, offering money for an undeveloped region of some 40,000 square miles. Next,

the Libertarian Colonization Society held land auctions in cyberspace, screening all purchasers on ideology. Any avowed anarchists received land only in Inner Utopia, while minarchists from the Libertarian Party received only plots in Outer Utopia, and members of other ideological groups bought tracts in the Proprietary States. Finally, after pompous ceremonies, the new country was proclaimed to the U.S. and U.N. as the Libertarian Community of Utopia.

Western observers were initially confused about the LCU's name. Those on the Right immediately heard some type of L-word used, preceding Community and Utopia, and thereby assumed we were sissy left-wing socialists. Those on the Left who knew about libertarianism, seeing us reclaim such lofty themes as Utopia and Community, quickly moved toward smearing us as evil right-wing fascists. Meanwhile, those with no real hatred against libertarians noticed that we'd finally achieved (with one name) the Left-Right fusion we'd been advocating for so long. What else did we achieve?

"It is now October 2050, and liberty has a new homeland. Shining as a brilliant Randian flame in the darkness of sacrificial night, perhaps the greatest of humanity's minds will be persuaded to go on metaphorical strike. Open to all without reference to race or sex, with individualism and justice for every libertarian alive, ours is to be the country that destroys collectivism and sacrifice forevermore."

So declared Anatole Pekov, Director of the Libertarian Colonization Society, in a speech given last week.

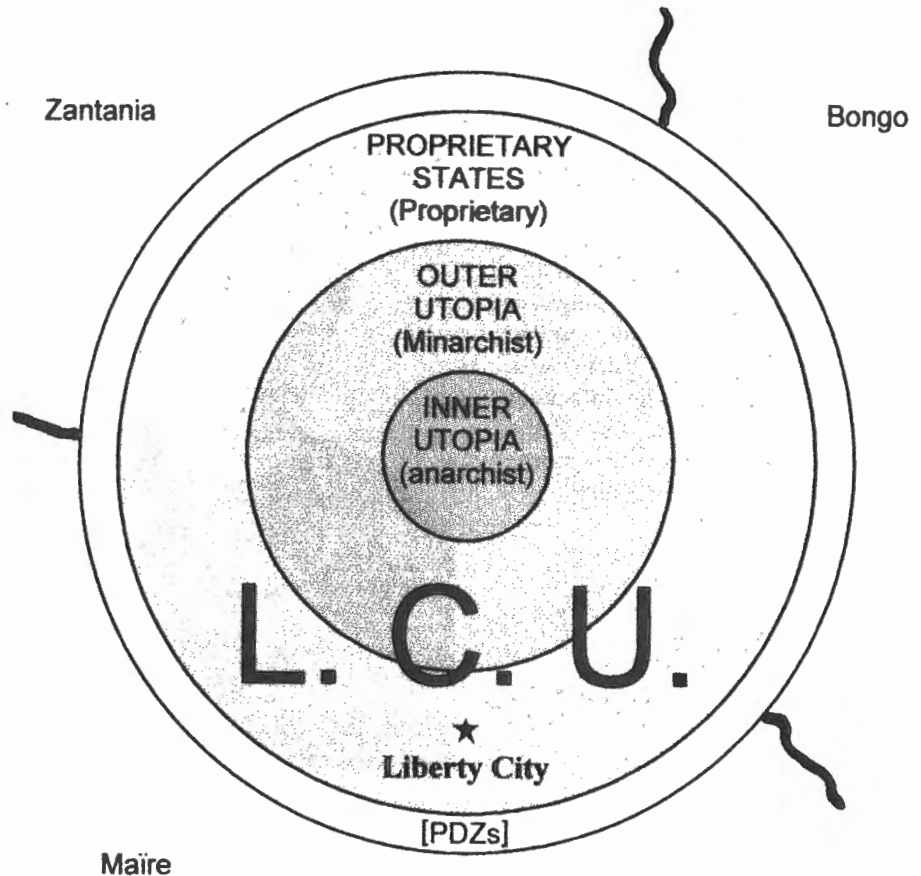
Anyone in the United States with a self or a mind discovered that Ayn Rand's vision of humanity could finally be realized at last. After eventual conclusion of the founding auctions, there began a massive Libertarian exodus from the United States to the LCU. Arriving as settlers, they began to practice one of three specific forms of libertarianism. These differing "libertarianisms" found in the Libertarian Community of Utopia were intentionally divided as follows: Inner Utopia, occupying about 25% of the free nation's land area; Outer Utopia, occupying another 25% of the free na-

tion; and the Proprietary States, which cover the remaining 50% of the free nation.

Inner Utopia is anarchist. It has no government and no central authority of any kind, and represents the type of radical libertarianism advocated by David Friedman and Murray Rothbard. The original inspiration for Inner Utopia came from Roderick Long, who suggested in a previous issue of *Formulations* ("One Nation, Two Systems: The Doughnut Model" in Vol. III, No. 4) that the very existence of an anarchy might become a rationale for non-libertarian states to invade and restore its "order." Therefore, any anarchy must be surrounded by the rest of a libertarian state with what the West would consider "order," such that nobody in the non-libertarian world tries to invade it. Because Inner Utopia has no state qua state, such services as defense, security, and justice are all provided through competing private agencies.

Outer Utopia is minarchist. The political system here is the more familiar variety of mainstream libertarianism associated with Harry Browne or Ayn Rand. It has both limited government and a minimal central authority; in other words, Outer Utopia has the same essential views as the Libertarian Party. Because Outer Utopia has a state qua state providing the objective protection of individual rights, the police, the courts, and the military are all non-competing agencies and government-monopoly functions.

The Proprietary States are proprietary. Each has a private government, owned and controlled by some group of libertarian idealists, plus an explicit social contract defining all rights and all obligations within that particular Proprietary State. These systems resemble the fictional Utopias of Spencer MacCallum and J. Neil Schulman; some are Christian, some are Marxist, some are Randian, and some have other ideas. One of the Proprietary States, Liberty City, serves as the unofficial capitol for the LCU; it is a small privately-owned minarchy, constructed on 100 square miles of ground that was not sold in the 2050 cyber-auctions to any outside buyers. Also retained by the LCS is a perimeter area divided into Proprietary Defense Zones, which are explained later on.



LIBERTARIAN COMMUNITY OF UTOPIA

Anarchy and Inner Utopia

At the very center of the LCU is Inner Utopia, which occupies about 10,000 square miles inside the free nation. As aforementioned, the other two "libertarianisms" form a pair of concentric rings around it, conferring protection from non-libertarians who otherwise would invade anarchies. This place used to be a primeval mountainous forest roamed by weird nomadic tribes, and it remains stateless today. Everything is privately done.

Inner Utopia is a mix of Central Park and Galt's Gulch. Environmental anarchist groups patrol perhaps half of Inner Utopia, based from multi-storied archaeological towns surrounded by pristine wilderness. Market anarchist groups control the other half, and have one very large city known simply as Laissez-Faire. Inner Utopia will one day be known for its great philosophers, who solved the conflict of capitalism versus nature.

Minarchy and Outer Utopia

Completely surrounding Inner Utopia is Outer Utopia, which occupies another 10,000 square miles of the free nation's total land area. Outer Utopia came into being after the cyber-auctions of 2050, when thousands of extremely disgruntled Libertarians in the U.S. purchased individual tracts here and emigrated en masse. They unanimously created a limited government with only court, security, and defense services, plus a voting system handled entirely via computer network. Civil liberties, free enterprise, unrestricted speech, and unrestricted lifestyles are all guaranteed in Outer Utopia.

American expatriates, including those previously with the Libertarian Party, say that apolitical immigrants would be most comfortable here. To those in Outer Utopia, playing politics is an immoral practice among the Earth's less-developed peoples. There are no

organized political parties, and also no full-time government officials.

Proprietary States and Liberty City

Completely surrounding Outer Utopia are the Proprietary States, which together compose another 20,000 square miles of the free country. Owing to their peripheral location as well as their unusual political views, the Proprietary States are considered the "lunatic fringe" of libertarian society. They attract only those people who want to join with other people of like mind and build an ideological State together, and with libertarian ethics, this can only be done on property you personally possess claim to. The Proprietary States offer idealistic libertarians the chance to practice any philosophy, as long as their community does not violently aggress against the other members of the LCU.

Overall, the Proprietary States have a fractious political environment, as some ideological communities fail and are purchased by successful ones, and also as new Proprietary States based on better ideas get started. The shifting territorial patchwork is not unlike that of medieval Europe. Among the many Proprietary States are found:

- Evangelion, for Protestant libertarians;
- Romanum, for Catholic libertarians;
- New Jerusalem, for Jewish libertarians;
- Galt Valley, for Objectivist libertarians;
- Proletarskiy, for anarcho-communist libertarians;
- Liberty City, for an unofficial capitol of sorts.

Symbolic of the Libertarian Community of Utopia, Liberty City is an entire Proprietary State in itself. It is a privately owned, 100-square-mile, capitalist enclave similar to Hong Kong, but even more libertarian. Located in the far south of the LCU, it is the major seaport of the free country, as well as an international tourist destination. Soaring skyscrapers provide an aesthetic background for the colossal statue of Ayn Rand in the harbor, which holds gold

bullion in place of a tablet and a fistful of dollars in place of a torch. Liberty City maintains embassies from other countries and a voluntarily financed forum for problems specific to the LCU; however, it does not govern other LCU members.

Finally, along the outermost edge of the Proprietary States are the Proprietary Defense Zones. These are mile-wide strips of ground, some thirty in all, which totally encircle the free nation. Each contains impressive fortifications, similar to the Berlin Wall in scale, which discourages anyone lacking air mobility from attacking the free nation. For the unlikely event that a Zone might be breached, smart mines along with smart guns would be concealed behind any Zone's fortifications. Furthermore, each Zone can be resized at the discretion of the Libertarian Colonization Society, which is the actual owner of all thirty. Proprietary Defense Zones are named for a libertarian writer or novel character of some type, followed by the obligatory abbreviation: "Rothbard PDZ," "Danneskjöld PDZ," and so forth. Troops from the Libertarian Defense Forces are stationed in each Proprietary Defense Zone, as explained later.

National Politics and Utopian Identity

Regional identity is partly overridden by the fact that everyone in the LCU can call himself or herself "libertarian," regardless of what region or what system he or she lives under; this particularly contributes to an open-minded citizenry willing to discuss libertarian theory with anyone else in Utopia. Like objectivity in science, objectivity in politics is arrived at by competing theories, and a continual analysis of the issues.

Regional competition has proven trilaterally beneficial to the people of Utopia. Essentially, the three systems of libertarianism practiced within the LCU are meant to check and balance each other. If some people are prejudiced or exploitative in Outer Utopia or Inner Utopia, they soon feel economic boycott from, and mass emigration to, those of the Proprietary States which don't tolerate prejudice or exploitation. If any of the Proprietary States become too restrictive of individual liberty, and devolve to either religious fanaticisms or socialist dictatorships, they will find residents escaping to the other regions of

Utopia. Given that all three systems are confined to a country about the size of Ohio, and connected by superhighways, mobility is not at all a problem.

The system of the LCU is thus tailor-made for nonconformists who want to try their version of the ideal system. Just as it is much easier to vote with your feet than to convince 51% of your neighbors to agree with you, so it is also expected that you will vote with your feet rather than try to coerce any of your neighbors into agreement. Because libertarians also happen to be self-governing and self-defending neighbors, the idea of coercing other people will not be a viable option for any non-libertarians, and moving to a different locale will basically be the only option available to such people. There is no such action in life as "doing something as a collective society." There is only "doing something as an individual person" in society, and nothing else.

International Relations and Trilateral Defense

Following Thomas Jefferson's axiom, the Libertarian Community of Utopia shall maintain peace, commerce, and honest friendships with all nations, and entangling alliances with none. Embassies are maintained by other countries in Liberty City, including the United States and the LCU's immediate neighbors. Additionally, ten more market-oriented countries from the United Nations are permitted ten-year leases of embassy space from the Libertarian Colonization Society, who hold sovereignty over Liberty City. Incidentally, countries that lose ground to others and become less market-oriented can be denied lease renewal, which subtly promotes more freedom!

Although Outer Utopia and some of the Proprietary States have elected officials, the country as a whole has no elections at all. Each year, the Libertarian Colonization Society holds a televised competition for the selection of a "Mr. Utopia" as well as a "Ms Utopia" to represent the country internationally. To show political correctness, the judges and the pageant are entirely co-ed. To prevent titles from being monopolized by (say) European underwear models, the LCS includes both ideological qualification and a residency requirement. Those

people who are against individualism or against capitalism need not even apply. If selected, both "Mr. Utopia" and "Ms Utopia" will tour the world as representatives of Utopia. Also every year, the Libertarian Colonization Society will appoint ambassadors to any of the countries allowed to maintain embassies within Utopia. Ambassadors are to be selected from among runners-up in the competition.

Foreign policy is perhaps the most controversial issue among libertarians I've associated with. Libertarians absolutely do not believe in attacking other countries first under any circumstance. However, there are some borderline cases debated inside the movement itself. What about a statist country building up for a strike against the free nation, with its armies massing on the border somewhere? What about a squad of terrorists disguised as mere immigrants, carrying concealed guns or "suitcase nukes"? These are problems I hope to address intelligently from libertarian ideology.

The Libertarian Defense Forces are the Utopian equivalent of NATO. They are a military force both owned and employed by the Libertarian Colonization Society, and subject to LCS scrutiny, and they are available to fight for any financier in any free nation. Most of their time will be spent on the borders of the LCU, stationed in Proprietary Defense Zones along the perimeter of the free nation. They are allowed to screen as well as search immigrants for any of the Proprietary States willing to pay for such a service. Should any statist nation attempt to invade the LCU, the Libertarian Defense Forces would be the first line of defense against any attack. (Similarly, if any statist nation had designs on the LCU and assembled armies near the border, the Libertarian Defense Forces could follow private mercenary units as the second wave of soldiers into battle. However, they would be recalled to the LCU as soon as any combat had ceased.)

Government defense agencies exist only in Outer Utopia, plus those Proprietary States that have monopolistic governmental provision of defense. Such governments are absolutely held to a single policy: force only in self-defense, inside the LCU itself. This would mean that Outer Utopia could not send troops into a neighboring country, but could

send troops to reclaim an occupied Proprietary State, or to destroy some terrorist group hiding out in Inner Utopia that had committed violent acts elsewhere. These forces would be independently commanded by their respective governments.

Private defense agencies exist only in Inner Utopia, plus certain Proprietary States that contractually permit them. Providers of defense coverage sell this service just as providers of insurance coverage sell their service: fees for personal coverage in the event of foreign attack. This would mean that tanks or aircraft would not be used except for training exercises or actual combat. While it is conceivable that the Mafia or the Yakuza might attempt to go into business as a private defense agency somewhere inside Inner Utopia, then coerce other people to purchase coverage or obey them, it is also undeniable that others elsewhere in the LCU would likewise be free to go into the business and destroy unethical operators. The initiation of force being considered an absolute evil under libertarianism, it is not likely that criminal operators would survive. (Remember, private mercenaries from elsewhere in the LCU could gang up on them.)

Private mercenary units can be owned by anyone in the LCU, and sometimes operate overseas, as countries surrounding the free nation are not always politically stable. However, because individuals cannot be drafted for public sacrifice or taxed for public warfare in a libertarian society, mercenary units are never carelessly used. They would be employed if a neighboring country showed signs of overthrowing a statist regime, and then only in support of rebels inside the neighboring country. The other country could always pay them for garrison duty after the statist government had been utterly smashed, and then we libertarians might set up another free nation.

Unorganized militia groups, along with unorganized libertarian individuals, could be found virtually everywhere in the free nation. With the exception of some Proprietary States, there would exist no regulation of weapons in the LCU, and every one of these groups or individuals would possess stun-weapons or fire-weapons of some type. Trained and

motivated, they would fight most effectively in self-defense.

Lastly, allow me to restate the obvious: libertarian decentralism. Each member of the LCU retains independent responsibility for its own foreign policy; although there may be some cases where multiple systems cooperate, there is no central command of them. Every citizen of the LCU also retains freedom of foreign policy. This includes freedom to fight (or not to fight) in accordance with what he or she believes, along with freedom to support private overseas actions (or oppose private overseas actions) as he or she decides. In fact, it all follows quite logically from the following paragraph:

"The rights of every individual man or woman alive pre-exist the institution of government. Unless you have signed a contract or undertaken a chosen obligation to other individuals in accordance with free will, you do not have the duty to do anything against your will. You do not exist as a tax slave, as a draft slave, as a censorship victim, or as a sacrifice victim for the sake of the state, or for the sake of other people, against your will. You are only obligated to do those things you personally chose, and to live in accordance with your morality. Neither the state nor other people own you."

Those are my words, later written under the Colossus of Rand in Liberty Harbor.△

Adrian C. Hinton has read far too much Libertarian and Objectivist literature for his own good. When individual liberties are finally secured somewhere on Earth, he will almost certainly leave the United States.

A Response to Adrian Hinton's "Libertarian Community of Utopia"

by Roy Halliday

This is the kind of formulation that we at FNF want to encourage. Adrian Hinton presents one possible design for a Free Nation and gives reasons to support his scheme. Mr. Hinton has overcome most of the statist mythology that pervades the culture in which we live. No doubt this is due to the influence of Ayn Rand's writings.

Furthermore, Mr. Hinton demonstrates that he has the potential to grow beyond the limitations of Ms Rand. For one thing he has a sense of humor. Second he is tolerant of other forms of libertarianism. Third he is willing to learn from scholars such as Roderick Long. Fourth he has plenty of years left in which to read works by other libertarian thinkers. (As a fellow believer in individual rights and autonomy, I think Mr. Hinton would enjoy and benefit from the works of Lysander Spooner, Robert Paul Wolff, and Murray Rothbard in particular.)

Since Mr. Hinton is an intelligent man "with a self or a mind," I predict that it won't be long before he makes contributions in standard English and stops parroting Ms Rand's style. And I further predict that his conscientious adherence to the non-aggression principle will lead him to consistently oppose the state, or in his current idiom "the state qua state."△

Foundation News Note

(Continued from page 1)

- In San José, Rich Hammer attended two additional conferences, which immediately preceded the ISIL conference.

First, he attended a leadership workshop, for workers in libertarian think tanks, which was presented by the Mackinac Center for Public Policy, of Midland, Michigan, <<http://www.mackinac.org>>, in conjunction with the Atlas Economic Research Foundation, of Fairfax, Virginia, <<http://www.atlas-fdn.org>>, and INLAP, a Costa Rican think tank headed by Rigoberto Stewart <riggo@attglobal.net>.

Second, Rich presented his paper "A State Can Be Designed to Shrink" at the Global Assembly of Decentralists-Federalists, which was organized by FNF Member John Ewbank <johnewbank@dffcs.org>.△

R. J. Rummel's Research Shows That Freer Nations Are More Prosperous and Less Violent

by Roy Halliday

Libertarian scholar Rudolph J. Rummel, Professor Emeritus of Political Science at the University of Hawaii, has written about two dozen books and more than 100 professional articles dealing with the causes and conditions of collective violence. He was a finalist for the 1996 Nobel Peace Prize. His book *Power Kills* was nominated for the 1998 Grawemeyer Award for Ideas Improving World Order. *Power Kills* extends, reaffirms, and sums up Rummel's research career. His research shows that democracy is a method of nonviolence and that power kills. This is obvious to people with common sense, but these days nothing is scientific unless it is supported by lots of data. Rummel's books and articles provide data and analysis that strongly suggest a free nation would be a good thing.

Now many of Rummel's articles and selections from some of his books are available on his web site:

<www2.hawaii.edu/~rummel>.

Links to many of these articles are included in "Free Market Alternatives to the State," which can be reached from the FNF Home page <freenation.org>.

Some of Rummel's most important conclusions are contained in his book *The Miracle That Is Freedom: The Solution to War, Violence, Genocide, and Poverty* (Martin Institute, University of Idaho, 1966). The following selections from this book are among those included on his web site:

Chapter 3 "Freedom Solves the Problem of War."

Chapter 4 "Freedom Minimizes the Problem of Political Violence," which includes data that shows:

- The less democratic two regimes, the more severe their wars, 1900-1980
- The more democratic a nation, the less intense its foreign violence, 1900-1980

- The less democratic a regime, the more severe its internal political violence, 1900-1987

Chapter 5 "Freedom Virtually Eliminates Genocide and Mass Murder."

Chapter 6 "Freedom Produces Wealth and Prosperity," which includes data that shows:

- The more democratic a regime, the greater its economic growth, 1950-1986
- The more democratic a regime, the greater its national wealth per person, 1950-1986

Chapter 7 "Freedom Promotes Social Justice," which addresses the question whether freedom is moral or merely useful.

Chapter 8 "An Enlightened Foreign Policy," in which Rummel recommends a foreign policy that promotes democracy.

On War and Libertarianism

Articles available on Rummel's web site show a scientifically significant correlation between liberty and peace. "Libertarianism and International Violence" shows that:

- Relatively libertarian states have no violence between themselves.
- The more two states are libertarian, the less their mutual violence.
- The more libertarian a state is, the less its foreign violence.

"Libertarianism, Violence within States, and the Polarity Principle" uses data about all violence within states from 1976 to 1990 to verify the proposition "the more libertarian a state, the less intense its violence can and tends to become."

"Libertarian Propositions on Violence within and between Nations: A Test Against Published Research Results" subjects the propositions listed above to systematic tests against the quantitative literature.

"Freedom of the Press—A Way to Global Peace" shows that "creating a universally free press would promote universal peace."

Rummel's speech before the American Bar Association "The Rule of Law: Towards Eliminating War and Democide" provides data for a utilitarian defense of freedom. We live in a utilitarian age in which the natural law argument for individual rights is incomprehensible to many people. Fortunately, we have enough data on the consequences of democratic versus authoritarian and totalitarian regimes to conclude that democratic regimes do a better job of preserving human life. Rummel wants to exploit this fact to encourage utilitarians around the world to favor democracy and individual freedom.

On Democide

Democide is when the state murders its own subjects at a much greater rate than usual. Rummel is a leading authority on democide, and his web site contains a lot of information about it. "War Isn't This Century's Biggest Killer" shows that "This century's total killed by absolutist governments far exceeds that for all wars, domestic and international."

"Power Kills: Genocide and Mass Murder" tells us that approximately 170,000,000 people have been murdered in cold blood by their own governments in the 20th century. "The most killing was done by the Soviet Union (near 62,000,000), the communist government of China is second (near 35,000,000), followed by Nazi Germany (almost 21,000,000), and Nationalist China (some 10,000,000). Lesser magamurders include WWII Japan, Khmer Rouge Cambodia, WWI Turkey, communist Vietnam, post WWII Poland, Pakistan, and communist Yugoslavia."

"Power Predicts Democide" shows that the extent to which a regime is empowered along a democratic to totalitarian dimension is a better predictor of mass murder than are such other factors as ethnic, racial, and religious diversity, economic development, levels of education, and cultural differences.

"The Holocaust in Comparative and Historical Perspective" is the first attempt to fill the void in the literature that compares genocides and mass murders that have actually occurred. It compares genocide to other forms of mass murder and systematically attempts to assess the underlying conditions and causes of genocide.

Rummel's web site also includes an annotated bibliography of totalitarian mortocracies and megamurderers.

On Democracy

Rummel defines democracy in such a way that it includes some protection for individual rights, which makes it a partly libertarian system. His web site includes the following articles about democratic regimes.

"The Democratic Peace: A New Idea?" shows that political systems are quantitatively related to collective violence and war. Empirical research confirms that "those political systems that maximize and guarantee individual freedom (democracies) are least violence prone; those that maximize the subordination of all individual behavior to state control (totalitarian systems) the most, whether socialist or not; and wars do not occur between democracies."

"What Is the Democratic Peace?" explains that democracy is a general method of nonviolence in that democracies do not make war on each other and democracies have the least severe foreign violence and war, the least severe collective domestic violence, and the least foreign and domestic democide.

"Democracies Are Less Warlike Than Other Regimes" shows that "The degree to which a regime is democratic is inversely correlated with the severity of its wars, 1900-1987."

"Democratization" cites empirical research to support the proposition that democracy institutionalizes a means of nonviolent conflict resolution.

In an interview with Alberto Mingardi in *Laissez Faire City Times* (Vol. 2 No. 31, August-September 1998, <www.zolatimes.com/v2.31/rummel.html>), Rummel responded to the libertarian arguments against democracy:

"Yes, there are many problems with democracy, but dictatorships of all kinds are worse. But, looking at just current democracies and ignoring this comparison (as many libertarians do), many of the criticisms by libertarians are warranted. There is too much suppression of human rights and freedom, too much control over and intervention in the economy, too much dictation of individual behavior. For economic development, human welfare, and individual happiness, the government that governs least governs best"

On Human Rights

Rummel is also a political philosopher. His article "Human Rights" presents a utilitarian argument for human rights. Human rights, however poorly they may be defined, are very much a part of international relations and law. Given this fact and the large number of alleged human rights that have been the subject of international treaties and United Nations General Assembly resolutions, it is appropriate to ask whether some of these rights take precedence over others. A consensus has emerged among nations that certain rights must not be held in abeyance while achieving other rights. Even the foremost propo-

nents of cultural relativism do not argue that people should be free to violate these rights. Among the generally accepted rights are the right to be free from piracy, racism, torture, summary execution, slavery, starvation, and genocide.

"Among those nations that least observe human rights aggressive war is most common, internal violence is greatest, and genocide and mass murder is most pervasive, often accounting for millions of victims."

In his book *The Miracle That Is Freedom* Rummel sounds more like a proponent of natural rights than a utilitarian when he writes that utility is not the only justification for believing in rights:

"Another justification is that there is one core natural right that is self-evident, which is that of each individual to equal freedom, and that any other right must be a derivation or specialization of this right, as are the freedoms of religion, assembly, and speech."

Whether you are a libertarian for selfish reasons, humanitarian reasons, moral reasons, religious reasons, or other personal reasons, Rummel's research can provide you with data to support your position.△

Another New-Country Project Emerges

In October and November of this year (1999), FNF has communicated with Ian Sawyer, a representative of a new, new-country project. Sawyer, along with some of his associates, has broken away from the New Utopia project following some disagreements with Lazarus Long, the leader of New Utopia. (Twice in the past we have reported here in *Formulations* upon the New Utopia Project, based in Tulsa, Oklahoma, <<http://www.new-utopia.com>>. These articles appeared in the Summer 1997 and Summer 1999 issues.)

Our first contact with the new project came on 6 October 1999, when FNF Founding Scholar Roderick Long received the following letter.

Letter from Ian Sawyer to Roderick Long

Dear Mr. Long,

Please allow me to introduce myself; other than my business profession as an Offshore Consultant I am on the Board of a new US based project development organisation aiming at building a self-contained and self-governed commercial/tourist/residential community in the Caribbean—a mini Hong Kong if you like. This concept has stemmed from my involvement as a Board Member of the New Utopia project from which I recently resigned when it became obvious that personal differences with the Founder and his intransigence over seemingly insurmountable legal problems concerned with the proposed location of the city-state.

Very briefly at this stage my colleagues and I have put together basic proposals to build this commercial community and have already attracted the interest of developers, commercial concerns and investors to the tune of some \$2 billion, although we are planning on a total investment of \$10 billion over the 5 year project plan. The original New Utopia concept was for a constitutional monarchy in international waters; ultimately not practical nor feasible for several reasons, so following the in-depth investigations I and my colleagues had

done for this, we have compromised and modified our ideas to seek a home within the jurisdiction of another country but under the terms of an agreement whereby we would be virtually autonomous; we have already received tentative invitations to open negotiations with a number of governments.

The purpose of this contact is therefore to establish whether you and perhaps the Free Nation Foundation would be interested in opening discussions with us with a view to sharing or pooling resources and knowledge/experiences as to the viability and likely difficulties in actually establishing our community on either a large private island or a combination of private island and an artificial structure extending it outwards into the sea. I have hopes that should we be successful here with the first community that we could seek locations in other parts of the world for similar projects.

If you do feel there is any commonality here I would be pleased to hear from you.

With regards,
Ian W. Sawyer

The project of which Ian Sawyer writes is an undertaking of AmBel International, a Nevada corporation <<http://ambel-intl.com>>. Mr. Sawyer can be reached at <iws@bigfoot.com>.

Roderick Long forwarded Sawyer's letter to other Directors of FNF, whereupon FNF President Richard Hammer exchanged a few letters with Sawyer. Here is a letter that Richard Hammer wrote on November 10.

Letter from Richard Hammer to Ian Sawyer

Dear Mr. Sawyer:

Here I will respond to a few things you said in your October 8, letter to me.

You said:

"From what I understand, your organization has spent a considerable time investigating the theoretical and legal backgrounds to the problems involved with establishing a new sovereign nation either in 'international' waters or within the legal jurisdiction of a host country under the terms of a binding legal agreement."

No, I would not say that the Free Nation Foundation has done this.

You went on to say:

"Current international and customary law makes it near-nigh impossible to legally build any structure in international waters without a defined agreement of the appropriate coastal state, particularly within 200 nautical miles of that coastal state where both EEZ and continental shelf considerations apply. Outside these distance constraints, available sites apart, there are matters such as the 'Common Heritage of Mankind' laws to consider...I presume you would consider all this a fair conclusion?"

Yes, I expect that your conclusion is good. But my expectation is not based upon any study of international law. Rather, I have an idea of how law works, in a biophysical sense. Law is the way organizations, within a group of peers, try to agree how they will divide anything of value within their reach, so they do not get into self-injurious conflicts. So of course I would expect that states, as they create international law, would have claimed for themselves anything they thought worth claiming.

Later you asked:

"Whilst the theoretical and conceptual modeling of [free-nation enterprises] is vital, it's the practical application of those theories and their transfer to real, viable, commercial projects which is what will enable such Free Nations to become actual entities. Here we are convinced that we have a major lead.

With this in mind, are there any ways in which the Free Nation Foundation or its individual members would be able to assist us in both the best ways to make contact with the necessary senior government officials in the target countries and to assist us (along with our own lawyers) in the preparation of suitable contractual agreements for us to build our community either as (ideally) a separate sovereign state or as a semi-autonomous state still under the host country jurisdiction? There must be several well defined theoretical approaches to this, which if coupled with the economic benefits our project could bring to the host country (even if we were a sovereign state under a Hong Kong type lease), could give a very high probability of success."

Let me give two answers.

First: With regard to "the best ways to make contact with the necessary senior government officials in the target countries," I do not suppose that I can help now, because I know that I am in no position to start such negotiations in earnest. Neither have I seen evidence that your organization is in such a position.

I would say that the ability to enter any given negotiation comes naturally to one who can fulfill his half of the bargain, should a bargain be struck. So I suppose I could comfortably feel my way into negotiations for free-nation real estate if I knew I were representing an organization that could write the check when the time came. But lacking that, what you need is gall, or chutzpah. Chutzpah might be used to your advantage. But it is not my personal style.

Second: With regard to "the preparation of suitable contractual agreements for us to build our community either as (ideally) a separate sovereign state or as a semi-autonomous state still under the host country jurisdiction," some of us might be able to help you a bit. Certainly I have aspired to cover this subject in FNF. But, anyone who reads FNF's work thus far, expecting to find help in this vein, will probably be disappointed. I have not succeeded in drawing out much good work in this subject.

Nonetheless, I think of three individual contributors who might offer ideas to you. These are: Roderick Long, Spencer MacCallum, and myself. Each of us seems to have well formed and definite opinions on particular subjects. Unfortunately, each of us seems to come from a place not understood by the other two, and FNF has never had enough coherent strength to fuse us in a dialog which produces anything approaching consensus.

As for my own preparation to give advice on contractual terms, I have opinions which I like to think are worth something. But these have never been codified into a systematic outline, ready to hand to someone such as you.

Good luck to you in your project.

Sincerely,
Richard O. Hammer

△

Behavior in the Commons

(Continued from page 28)

have noticed that the term “common” has received a fair amount of usage, with a meaning close to that which I intend for “public space.”¹ So in this article I will start to use “common” to mean the same as “public space.”

I have argued that we can understand the nature of property better if we think of *choice* as the fundamental unit of property. We can perceive more accurately what is going on if we think of owning bundles of choices, pertaining to things, rather than of owning the things themselves. Thus, when I write about a private space or a common, I am referring more to a bundle of choices than I am referring to a particular three-dimensional space.

The distinguishing feature of a common is the public ownership of choices. In a common, choices are owned by no one, by everyone, or by some authority which is often absent.

Looking closer, we can see two types of commons. The first type are frontiers not yet occupied. In frontiers not yet occupied there are no choices which are worth owning (no choices which are worth the effort to stake and police a claim). For an example I would say that the tabletop in the above illustration was a common of this type before the water and sugar were deposited there.

The second type of commons are created by acts of state. Here the choices are worth owning, but the state has outlawed private ownership of these choices and declared itself to be the owner. An example of this type of common is a street owned and policed, if at all, by government. (As an aside, I have argued that most of the worst problems that beset human society fester in this type of common.² But that is not the subject of this article.)

There is a tendency, I contend, for all choices which are worth controlling to become privately owned. We living organizations naturally seek our self-interest. We naturally lay claim to choices which seem unowned and potentially useful to us. This process goes on in parallel with the process mentioned above, in which new and larger organizations are continually growing. These two processes seem closely related.

So a common is like a vacuum, inviting control to enter. As private parties take power to make choices in commons, those commons become privatized. Because of this, a common is transient.

The example of the critters on the tabletop shows the natural growth of private interest and private control. Before the line of trade is established between water and sugar there is no spot on the tabletop which any of the critters would consider worth claiming. But after the line of trade is established it becomes valuable to be in that line.

How Do Libertarians Behave in the Commons?

Now, in this model of life, let us apply what we know about libertarian principles to see if it can predict how libertarians will behave in various circumstances. Suppose some of the tabletop critters are libertarians.

These libertarian critters will not push other critters out of the line of trade, to take their places in the line. That would be aggression. They will not grab away any water or sugar which is clearly the property of some other critter. That would be theft. Furthermore, libertarian critters will honor their contracts in trade (assuming these critters become fancy enough to have something like promises).

Thus we see that our libertarian friends will respect property rights which are already well established. But how will they behave in circumstances which are not so clear? That is, how will they behave in what remains of the common? Consider three situations.

First, suppose that some tidbits of sugar have been left momentarily unattended, at a busy point alongside the trading chain. Suppose the place is not clearly within the established realm of any critter. So, even though it appears that some trader just set these down while she was attending to another transaction, according to presently established conventions these tidbits do not belong to anyone. Libertarians can snap them up, all of them, without qualm.

Second, consider a situation in which the terms of a trading relationship have come into flux. Imagine, for example, that a libertarian has a place in the trading chain. The libertarian's neighbor in the chain starts receiving water in larger units from farther down the chain, and would therefore like to revise his terms with the libertarian. The previous terms only mentioned “units” without mentioning their size, because the size was assumed to be the old standard.

Suppose this neighbor has tried to meet the libertarian to arrange new terms, but has failed at first to find the libertarian. The neighbor does not want to inconvenience the libertarian, whenever the libertarian might arrive at the location where they routinely leave the units which they trade. Suppose the neighbor decides to trust that he and the libertarian will reach some reasonable settlement, so he simply leaves the larger units.

Now, how will the libertarian act when he finds the larger units? We cannot predict. According to libertarian standards, he has no obligation to reciprocate in proportion. He can, without qualm, treat the units which he has received as if they were no larger.

Third, consider the tabletop before the line of trade is ever established. Will libertarian critters contribute to the effort to create the new line of trade? Maybe, maybe not. Libertarian values do not require any investment in the future.

Wrapping up this section, I hope you will agree with me when I conclude that libertarian values serve well to protect clearly established property rights. But libertarian values, taken alone, do not lead libertarians to be trustworthy in any commons, in any situations where doubt exists as to the exact delineation of rights.

And, even worse, if any libertarian believes that libertarian values should provide the only restraints on her behavior, then she may believe that she should take everything which is not nailed down, in every relationship which has vagueness in any of its terms. Libertarians values, if taken this way, endorse unrestrained pilfering.

Something More Is Required

Before I can wrap up my sermon here, I need you to leap to one more conclusion with me. But first let us review two leaps which I hope you have already made with me:

1. Life exists as a hierarchy of organizations, with the higher organizations reaching and exploiting ever larger or more complex resources in the environment.
2. Our best hopes for the future lie in our ability to discover the sets of rules which, by guiding our behavior as individuals, will organize us so that we can exploit both ever-larger and ever-more-subtle reserves.

Here is the last leap:

When we practice neighborly behavior (which might be taken to include civility, kindness, and even altruism) this increases the chance that we will find ourselves included in a new chain of trade. This chain might form either spontaneously or by conscious design. It would bring new benefits to all its members.

With this last leap, I am trying to suggest a way that new rules might be discovered to produce new organizations. Perhaps it works this way. An act of neighborly behavior may communicate a hope for a new set of rules. Someone choosing to act in a benevolent way may be saying, subconsciously, that she would like behavior such as hers to be the norm, in circumstances such as these.

Of course the choices of other individuals would need to be coordinated. But if this could be achieved, then the new set of rules would be almost established. Each individual in a new network could expect certain behavior from his neighbors, in predictable circumstances. For practical purposes, this resembles a network of private contracts. When this has happened, we could say that a common has been privatized.

If this is all true, it simply underlines what your mother may have told you: If you are nice to people even when you do not have to be nice to them, then they will want to do more things with you in the future.

Of course, I do not recommend universal and unconsidered self-sacrifice. It is possible to give too much. By giving too much you can not only injure yourself, but also injure the interests of any others who might benefit in the future from trading with you in full strength.

Libertarian values specify a minimum standard by telling us the minimal amount of consideration which we should give to other people. Certainly this world would be a better place if everyone accepted libertarianism as their minimum. But, I preach, after we have achieved this minimum, and thus enforced the property rights which already exist today, we need to work on building the relationships of the future. And, unless I am mistaken, libertarian values offer no guidance in building our future relationships.

With a New Organization We Can Secure Liberty

The present environment on Earth has a vast, untapped resource: the unfettered human spirit. A new free nation, if it could be organized, could release some of the energy in this resource. With this energy it could easily defend itself, as needed, from other, poorer nations, which cling to statism.

I also believe that we who want liberty have, among us, easily enough talent and wealth to secure such a new free nation. But how can the rules be learned? How can libertarians be organized to bridge the gap, to start the flow in this new release of energy?

In FNF I have been trying to start a think tank which I believe could catalyze birth of this nation. Since my effort has entailed the building of a new organization, it calls for extra effort, beyond what is required by the libertarian minimum. This extra effort needs to be channeled, I believe, by new rules which I have struggled to communicate. I plan to continue trying, in one way or another.△

¹ See for instance: Elinor Ostrom, *Governing the Commons: the Evolution of Institutions for Collective Action*, Cambridge University Press, 1990.

² "A Theory for Libertarianism," *Formulations*, Vol. V, No. 3 (Spring 1998).

Behavior in the Commons

by Richard O. Hammer

If you find a wallet on a sidewalk, and if the wallet contains both cash and identification of the owner, what do you do?

I have written here a number of times about my theory of life. This theory offers a framework for thinking about many things, including ethics, property, and the organizations which make up life. In this article I will review a few points, attempting to bring you with me to an important conclusion: we living things must invest in building new alliances, new organizations.

Then I will add a few new thoughts, about how we behave in those circumstances where we do not find ourselves compelled, by libertarian principles, to act one way or another. I will suggest that libertarian principles, while useful for preserving existing property rights, offer no help in the essential process of building new organizations, whereas civility and altruism (the Satan of Ayn Rand) do offer help in this process.

I have tried to finish writing this particular article for each of the last three issues of *Formulations*. But each time, day after day has slipped away as I have attempted to wrap it up. With each succeeding issue the publication date drew near, and I had to drop something.

My trouble seems to be this: I am trying to compose a good, still snapshot, of a theory which refuses to sit still. It grows and evolves as I write about it. This time I have brought it to this stage by admitting to myself that it will be fuzzy on the edges.

Much of my difficulty derives, I think, from the lack of a vocabulary to describe what I see. I suppose I could attempt to introduce new words. But rather than go through that struggle, I choose to use already existing words to name the things I see. Unfortunately, already existing words bring many meanings with them, including meanings which do not belong here. So I find myself in a battle, trying to fight away interpretations which do not fit, so that one meaning which I intend will stand clear.

About the Growth of Life

"Organization" is one of the words which I use in a novel way. Life seems to consist of a hierarchy of organizations. Small organizations, such as cells, somehow combine to make larger organizations, such as humans. Humans, and other organizations on this scale which we have named "organisms," combine in turn to make still larger organizations, such as plantations and states.

In my view, most of the progress that living things make derives from the success that living things achieve in organizing themselves into larger organizations. See the illustration with tabletop critters (below). This suggests how life advances—through formation of new and larger organizations.

Thus, it seems clear, large or complex patterns of energy and raw materials can be exploited by numerous organizations acting together. This exploitation becomes possible as individual members of the larger organization learn the rules

which profit them as individuals, acting within the larger organization.

I propose that something like this goes on in life. Ever-larger organizations form to help their constituents live better by tapping ever-larger features in the environment. We humans and the organizations which we have formed are yet far too small to tap the energy of the Sun and the raw material of Jupiter. But vast opportunity lies in that direction, and in other directions, for those of us who can organize successfully to tap as-yet-unclaimed resources.

About the Commons

In the past I have written a number of times about "public space." I chose the term "public space" because I want to use it to show a contrast with private space. But I do not see many clues that I have succeeded in communicating the concept I have in mind. Thinking that perhaps a new term will help, recently I

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Tabletop Critters

illustrating how organizations prosper when individuals follow simple rules

Imagine a flat surface, perhaps a tabletop, upon which some tiny, perhaps one-celled, critters live. These critters need both water and sugar to live, and this tabletop upon which they find themselves is basically a desert. The wind blows, and occasionally deposits a few molecules of water or sugar within reach. These conditions support a population of only a few thousand of these critters, which live near starvation, scattered over the tabletop.

Now suppose that onto this tabletop fate places a drop of water at some spot, and a crumb of sugar at another spot a centimeter from the water. Suppose that this distance, a centimeter, is much further than any one of these critters can travel in its entire lifetime, but suppose that the critters do have ability to pick up raw materials, carry them for small distances, and then drop them again.

This environmental pattern, the pair of reserves of water and sugar, looks like a niche ready to be exploited. If the critters can learn appropriate rules of behavior, millions of them can start to live in a filament of trade between the water and sugar.

The critters who would make up this chain of trade would need to follow some simple rules. Such rules might be:

1. If you see water on the left, carry it to the right and set it down.
2. If you see sugar on the right, carry it to the left and set it down.
3. If you get thirsty or hungry, help yourself to what you need from the materials that pass through your possession.