The Conscience of an Anarchist

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Why It's Time to Say Good-Bye to the State and Build a Free Society

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COBDEN PRESS • Apple Valley, CA

Published by
Cobden Press
20258 US Hwy. 18, Suite 430-500
Apple Valley, CA 92307
(480) 684-2651
www.fr33minds.com

This book was printed in the United States of America on acid-free paper.
This is the corrected fifth printing of this book.

ISBN 978-1-935942-02-3

Gary Chartier.
The Conscience of an Anarchist:
Why It's Time to Say Good-Bye to the State and Build a Free Society
Includes bibliographic references
1. Anarchism. 2. Politics and Government—United States.
I. Title

For Elenor

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Acknowledgments

THIS BOOK REFLECTS MY attempt to bring together insights I have had since I first began to read about anarchism over a quarter-century ago, insights frequently gained as a result of my encounters with other writers. I have drawn freely on the ideas of a variety of anarchist thinkers who have argued, in different ways, for the superiority of cooperation over violence, of peace over aggression, of freedom over coercion. Thus, while I have as much as possible avoided specific references, I have attached a list of resources for the benefit of anyone who wants to think more about anarchism.

I am grateful to a variety of people who devoted time and energy to reading and reflecting on some or all of this book during its development: Kevin A. Carson, Brad Spangler, Teresa Warmke, Sheldon Richman, Thomas L. Knapp, Stephan Kinsella, D. Frank Robinson, James Tuttle, and Gene Mayes. Jeff Riggenbach, David Henderson, Tom de Lorenzo, Pennelope Aletras-Leight, and Armando Benitez copy-edited the manuscript and saved me from embarrassment at multiple points. Eduardo Brugman, Esteban Salcido, Brandon Snider, A. Andrew Truong, and Roderick T. Long, among others, contributed helpfully to the design process. The assistance of Jim Person and the other members of the Cobden Press team has ensured the production and rapid distribution of an attractive and affordable book. I'm very pleased by and appreciative of their work, and I'm honored to be associated with the Press's eponym, Richard Cobden, co-founder of the Anti-Corn Law League, who challenged aristocratic privileges that limited ordinary people's access to inexpensive food, promoted the cause of peace and non-intervention, urged reductions in military spending, and rejected the evil of slavery.

And thanks, of course, to the usual suspects: Elenor Webb, Jeffrey Cassidy, Annette Bryson, Aena Prakash, Alexander Lian, Andrew Howe, Angela Keaton,

Anne-Marie Pearson, Bart Willruth, Carole Pateman, Chelsea Krafve, Craig R. Kinzer, David B. Hoppe, David R. Larson, Deborah K. Dunn, Donna Carlson, Ellen Hubbell, Eva Pascal, Fritz Guy, Jan M. Holden, Jesse Leamon, Joel Sandefur, John Elder, John Thomas, Julio C. Muñoz, Kenneth A. Dickey, Lawrence T. Geraty, Ligia Radoias, Marc A. Benzakein, Maria Zlateva, Michael Orlando, Nabil Abu-Assal, Patricia Cabrera, Roger E. Rustad, Jr., Ronel Harvey, Ruth E. E. Burke, Sel J. Hwahng, W. Kent Rogers, and Wonil Kim. I am particularly indebted to Elenor for moral and logistical support and for welcome opportunities for dialogue and exchange.

I intend to donate all of the author royalties I receive from the sale of this book to AntiWar.com. I am enormously grateful for the ongoing contributions those associated with this remarkable journalistic endeavor make to the cause of creating a society organized on the basis of peaceful, voluntary cooperation.

INTRODUCTION

Open Your Mind to Anarchy

AS AN IDEA, ANARCHISM is the conviction that people can and should cooperate peacefully and voluntarily. As a political program, it's the project of doing without the state.

Because governments are rooted in the use of force, anarchists maintain that no actual government is legitimate and that, in any case, we would be better off without the state. Anarchists reject any kind of authority acquired or maintained through aggressive violence or fraud. More broadly, many anarchists—including me—maintain that the same ideals that motivate their opposition to aggressive violence prompt them to challenge social institutions and cultural patterns that subordinate, exclude, or impoverish people, stultify their lives, or force them into soul-numbing conformity.

People can and should organize their interactions on their own terms. We can defend ourselves against aggression; we don't need the state to force us not to kill each other. And we don't need the state's help to coordinate our interactions. Working together, we can craft meaningful lives and livable communities.

Anarchism as a Positive Vision

Sometimes, people wear the anarchist label, or hoist anarchist black flags, when their primary goal is just to spread a little chaos. Even people who know better may sometimes act as if "anarchy" were just another word for disorder. But anarchism as I understand it is about the best kind of order imaginable: the kind that emerges voluntarily, spontaneously, as people work creatively together to shape their lives and plan their futures. Anarchy is what happens when social order flows, not from the state's gun barrels, but from peaceful, voluntary cooperation.

Roughly speaking, a state is an organization that claims to have legitimate authority over who uses force in a given territory and that does at least a mod-

erately effective job of keeping unapproved violence under control. (More on this later.) The state in the modern sense has been with us for over three hundred years, and states of various kinds are much older than that. So it's easy to treat the existence of states as inevitable. But, for anarchists, there's nothing necessary about the state at all. States persist because of the self-interest of the powerful people who manage or manipulate them and because ordinary people haven't realized their own power to imagine and implement alternatives.

In this book, I want to help to loosen the hold the state still has on people's imaginations. I want to point out that, as in Hans Christian Andersen's famous tale, the emperor really has nothing on at all. I want to encourage you to shift your point of view—to come to see the state as a group of people no different from your neighbors, with no more inherent authority, no greater right to tell you what to do. (Of course, your neighbors are unlikely to threaten you with guns if you don't do what they tell you to do. But this difference hardly counts in the state's favor.) I want to undermine the myth that the state represents *us* in any meaningful sense, that when politicians and generals act, they're acting on *our* behalf. I want to underscore the fact that the people who make and implement state decisions are pursuing their own agendas, often in conflict with our own—just like powerful people in big businesses and other similar institutions—and that we have no reason to treat them with reverence, to view them as anything other than *ordinary people* with rights *just like ours*.

This isn't a primer, a narrowly academic work in philosophy or economics or political science or history, though it's informed by the results of inquiry in all those disciplines. It's a *manifesto*, a call to action: not to more violence that's just the mirror image of the state's own destructiveness, but to the creative work of envisioning a new kind of society and beginning to construct it here and now, right under the noses of the people in power.

Why I Am an Anarchist

I'm an anarchist for several reasons.

I'm an anarchist because I believe *there's no natural right to rule*. I believe people are equal in essential dignity and worth, which means, in turn, that they have equal moral standing. That makes it hard to justify giving some people—those who rule the state and those who enforce rulers' decisions—rights that others don't have. And I'm an anarchist because I believe *the state lacks legitimacy*. Some people argue that rulers deserve to have more rights than those they rule because their subjects have consented and continue to consent to their authority. But I believe they haven't. I'll talk more about these reasons for being an anarchist in Chapter 1.

I'm an anarchist because I believe *the state is unnecessary*. I try to explain why in Chapter 2. Statists often maintain that having a state is the only way to have a peaceful society. I disagree, on both theoretical and empirical grounds. I believe non-state institutions can provide the services the state provides—but more efficiently and flexibly; and there's good evidence that they're capable of doing so. In addition, I am convinced that if the state has the power to do good things, even very good, very useful, very important things, it will almost unavoidably use that power in authoritarian ways: it will use the power it has to regulate people's lives—and to acquire more power.

As I'll emphasize in Chapter 3, I'm an anarchist because *the state tips the scales in favor of privileged elites and against ordinary people*. (Contrary to what "good government" types will tell you, that's just what it's designed to do.) The state tends to promote inefficiencies through subsidies, monopolies, patents, tariffs, and other mechanisms that allow elites to avoid paying the actual costs of what they do. It forces ordinary people to bear the costs of elite decisions and to adjust their preferences and behaviors to suit conformist majorities. I believe a stateless society would be more likely than ours to foster efficiency and productivity and to avoid varieties of hierarchy and exclusion states tend to promote and protect. Anyone who cares about the power of wealthy people and big businesses, the prosperity of ordinary people, and the well being of the poor and the vulnerable should say a resounding "no" to the state.

I'm an anarchist because *the state tends to be destructive*. It engages in war and plunder, and seems persistently to be involved in ratcheting up the level of violence and injustice across borders—which are, of course, themselves state creations (there's more about this in Chapter 4). I believe a stateless society would feature much less large-scale violence than ours.

I'm an anarchist because *the state restricts personal freedom*—as a way of maintaining order, benefiting the privileged, preserving its own power, or subsidizing some people's moralizing preferences. And there's a natural connection between state power and the imposition of limits on freedom. I offer some examples in Chapter 5.

I'm an anarchist because I want a society marked by diversity, exploration, and experimentation, because I believe states impose conformity and resist creativity, and because I believe *a stateless society would provide opportunities for people to explore diverse ways of living fulfilled, flourishing lives* and to put the results of their exploration on display. I make this point in more detail in Chapter 6: I'll talk about the shape of life without the state and outline some of the concrete steps we can take to stop oppression and violence and to begin creating a new world.

ONE

The Dissent of the Governed

I'*M AN ANARCHIST BECAUSE* the state's claim to justified authority is implausible. Contrary to what its defenders claim, that claim cannot be defended by an appeal to the supposed consent of those the state seeks to govern.

The United States has an official political theory. It's a theory embodied in the familiar words of the second paragraph of the Declaration of Independence:[1]

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Note the central phrase: governments acquire "their just powers from the consent of the governed." I think it points to the view of state power many Americans would accept automatically. And there's something very plausible about it.

After all, the people who formulate and implement the government's decisions are just that—people. If, as the Declaration also insists, all people are equal in moral worth and moral rights, then no one—no emperor or king or prince, no pope or lama or imam, but also no president or senator or governor—has a natural right to rule. Because no one has a natural right to rule, any claim to rulership is inherently suspect. So the basic moral equality of persons to which the Declaration testifies creates a presumption of anarchy. If people are morally equal, it's up to the person who maintains that someone has au-

thority over others to show why. Where is this authority supposed to have come from? What's supposed to ground it?

Consent and Authority

The Declaration has an answer to this question: a governmental authority might have the right to rule over me *if I gave it that right*. No one is naturally a ruler; but, suggests the Declaration, someone could acquire the authority of a ruler if the people she or he is supposed to rule *consent*.

But it would be hard to point to any existing state whose authority rests on the actual consent of the governed. Have you consented to the authority of the state in whose territory you live—and conveyed your consent to the authorities? Have your friends? Do you know anyone who's done so? It's not surprising, I think, that, in a July 2010 poll, 62% of Americans said the US government did not have the consent of the governed, while another 15% said they weren't sure. (Seven in ten of those surveyed also reported believing that the state "and Big Business . . . [were] on the same team"—allied against ordinary people.)[2]

Voting as Consent

Some people will argue, of course, that you've done so just by voting. But have you really placed your stamp of approval on the state just because you opt to vote in its elections? It's not obvious that you have.

Suppose you live in a small town that's invaded by a group of bandits. The bandits, we may suppose, are an active lot. They won't all live in *your* town; instead, they want to collect tribute from many neighboring communities. But they intend to occupy your village in order to keep everyone in line. To make clear their benevolence—and to help co-opt you and your fellow townspeople into supporting their rule—they announce that you'll have a choice between two of the bandit chief's lieutenants, Jean and Chris. One will rule your village, but you'll get to pick the one who does. Chris is given to violent rages, while Jean tends to be calmer and more agreeable. So you and most of your fellow villagers express your support for Jean. Is there any reason to think that, by picking Jean, you've endorsed the bandits' occupation of your village? Given a forced choice, you've selected the option more likely to benefit the village, but surely doing this isn't the same as supporting the presence of the bandits.

Surely the same is true when you decide whether to vote in a national, state, or local election. Your choosing to vote provides good (if not overwhelming) evidence that you prefer the candidate for whom you've voted to the others. But it provides no particularly good reason to think that you want to be ruled by one

of the candidates—or, indeed, that you want to be ruled by anyone at all.

Immobility as Consent

According to another statist argument, simply remaining within a state's territory somehow constitutes consent to its authority. But there's no obvious reason why this should be so. Certainly, remaining in the territory claimed by a given state isn't most naturally read as signaling support for the state's authority. Perhaps I remain there because opportunities for work are plentiful, or because my friends are there, or because I like the style of architecture. And perhaps I don't because gangs of thugs seem to be in charge everywhere else. It's not obvious that staying put would convey to a reasonable observer the message that I likely consented to the state's authority. What is it, exactly, about my remaining that is supposed to convey the message that I accept the authority of the state?

Well, perhaps the state posts signs throughout its territory reading something like this: "Whoever remains for more than twenty-four hours within the territory shown on this sign and marked out by various similar sign-posts thereby signals consent to the authority of the Sovereign Kingdom of Bozarkia." If so, so what? There are lots of reasons, as I've suggested, why people might stay just where they were other than their consent to Bozarkia's authority. Staying put doesn't *signal* consent. Bozarkia has to claim that it *constitutes* consent.

The rulers of Bozarkia could reasonably claim that it constituted consent to their authority only if they already *had* legitimate authority over the territory in which the signs were posted. If they did, then under at least some circumstances perhaps they could legitimately insist that people leave. In this case, people staying might be acting in bad faith if they chose to remain on conditions other than those set out by Bozarkia's rulers. (Even then, if they made clear that they didn't consent, and the Bozarkian authorities let them remain anyway, the authorities' argument would lose a lot of its force.) But if the assumption is that a state with authority over a given piece of territory can insist that people either do what it says or leave, there's a fairly obvious problem in this case: what Bozarkia is supposed to be trying to do in this example is to *establish* its authority. A procedure for establishing the state's authority that assumes that the state already *has* authority doesn't really demonstrate much of anything.

The would-be rulers of Bozarkia might have the right to demand obedience from people already obligated to accept their authority; but whether they have any authority is just the point at issue. It's easy to imagine my posting signs asserting my authority, and insisting that people who remain in their homes accept my authority by doing so, throughout the neighborhood in which I live. If peo-

ple in the neighborhood failed to take them down, and failed to move, would they be accepting my authority as their local ruler? Surely not, and they would clearly be well within their rights simply to ignore me. That's because I have no authority to insist that they accept my rulership or leave their homes *in the first place*.

The idea that remaining in a state's territory amounts to consenting to its authority doesn't work. Remaining doesn't *signal* consent; it conveys too many possible meanings. And remaining amounts to *accepting* the state's authority only if we've already established that the state actually *has* authority in the first place.

There's good reason to think that many people haven't consented to the state's authority. But there *are* people who do support the state's authority, and they want the rest of us to fall in line. They want to insist that we owe the state obedience. Do they have any arguments left in their quivers once we've shown that we don't consent to the state's authority (either that we never consented in the first place or that we've withdrawn our consent after realizing what a disaster the state really is)?

Consent as Required by Fairness

Statists can be a resourceful bunch. There are other arguments they might offer designed to show that the state really *is* legitimate. For instance: "Maybe you've withdrawn your consent," they might say. "Perhaps you never consented in the first place. But it's unfair of you *not* to consent."

Obviously, there's a big difference between being held to an agreement I've actually made and being held to an agreement someone thinks I *should* have made. But ignore that for now. Why would it be unfair for me to disregard the state's commands?

The statist might try to explain it this way: "The majority has decided that a certain demand is to be issued. You're obligated to go along, even if you disagree. Otherwise, you'd be claiming that your minority position should govern rather than the view of the majority."

Like other statist arguments, this one isn't very good. Of course, the anarchist *isn't* saying any such thing: the anarchist doesn't believe *anyone* ought to govern. And the argument assumes, again, exactly what it's supposed to prove. If the state really were a cooperative enterprise in which we'd all chosen to participate, and if we'd consented to a set of ground-rules including majority rule, then it would be unfair to opt out of those rules just because they led to outcomes we didn't like. But the question is precisely whether we *have* agreed to the ground-rules. Many of us haven't.

Consent as Required by Accepting Benefits

Another statist argument suggests that, if we accept benefits from the state, it's only fair of us to obey it. But this argument seeks to prove entirely too much.

It doesn't provide any support for obedience-to-the-state-in-general, but only for whatever obedience might be required to ensure the provision of whatever benefits one happens to receive from the state. Suppose I freely accept state-provided health-care, for instance. Perhaps my doing so could make it unfair for me to avoid contributing to the state health-care system. But it provides no particular reason for me to cooperate with the state when it seeks to keep other people from reading or saying things the authorities don't like or draft me into the military.

The kind of obedience involved here is pretty clearly just the kind of obedience involved in providing financial support for this or that state-sponsored scheme. But the reality is that I don't have any meaningful choice about doing this as it is. If I don't comply when the state demands money from me, I have good reason to fear that the state will seize my possessions or imprison me. Since I'm already being taxed to support a variety of state-provided services—both ones I might want to see provided and ones I definitely *don't* want to see provided—there's no reason for me not to take advantage of the relevant benefits. But that hardly means I'm consenting to the operation of the system in accordance with which my contributions are extracted from me and others.

Accepting state-provided benefits doesn't mean you're endorsing the state as a whole. Since you're being forced to pay for the programs that provide those benefits, you often won't even confront the question whether it would be *fair* for you not to do so unless you're willing to face prison and the takeover of your possessions by the state. And if you *do* manage to avoid paying money the state wants you to pay, you have nothing to feel guilty about as long as you decline the benefits it offers. Many anarchists would insist that, as long as an organization (including the state) claims tribute at gun-point, it deserves nothing at all, even for services it does provide. But even if you do owe something in return for particular services you receive voluntarily, it's hard to argue that you owe the state payment for any benefit you *don't* willingly accept. And even if you do owe the state some kind of compensation for a particular benefit, accepting that benefit doesn't commit you to accepting any generalized duty of *obedience* to the state.

To muddy the waters further: even if you *do* accept benefits provided by the state, and even if you owe something in return as a result, it's still not clear that you owe the *state* itself anything. That's because the state didn't *really* fund the benefits you received; ordinary taxpayers did. Since others may be taxed at higher rates because you don't pay for services you choose to receive, you may be treat-

ing *them* unfairly—but that doesn't mean you have any particular obligation to the state itself. It doesn't make the state's demands for tribute legitimate—especially the state's claim on your cooperation or noninterference when it tries to do anything *other* than funding whatever benefits you might willingly have accepted.

Suppose the bandits I mentioned before demand a certain amount of tribute from your town. If it's virtually certain that more will be stolen from others because you manage to avoid letting the bandits steal from *you*, there might be circumstances under which the *others* could have good reason to view you as having saddled them with unfair burdens. But you'd still owe *the bandits themselves* nothing at all.

Limits on Consent

There's probably no way to signal consent to the state's authority. After all, the state can be expected to punish you—to take your stuff, physically attack you, or imprison you—if you don't go along with its dictates. So, just because you cooperate with state officials, even if you publicly declare your support for the state, no one is really entitled to believe that you've really consented freely to the state's authority. Nobody can rightly hold you to a promise made at gun-point. We're always at risk of being held at gun-point by the state. So no one can reasonably hold any of us to some promise we're supposed to have made to the state, since any promise we might have made would have been made under duress.

In addition, if there's no real way of opting *out*, if the state doesn't provide a way of allowing people *not to consent to its authority* while remaining within the territory it claims, then there's really no way of opting *in*, either. The state treats us as having consented to its authority whatever we do, so we're not really being given the choice to consent at all. And it's hard to take seriously the idea that your consent *means* anything, that it should obligate you in any way, if you don't have the option of not consenting.

Just Say "No"

Many, perhaps most, people haven't deliberately consented to the state's authority. And there's no general reason to suppose that their participation in various state-related activities or their acceptance of various state-related benefits commits them to consenting to it. In fact, it's quite possible that it's *impossible* to signal consent to the state's authority in a reliable way, given the ongoing threat of state violence against people who don't cooperate with the authorities. If legitimate authority depends on consent, it looks as if the state probably isn't legitimate. And that means you probably have no general duty whatsoever to obey it.

TWO

Fish, Bicycles, and the State

I'*M AN ANARCHIST BECAUSE* I believe that the state is neither necessary nor inevitable. We don't need the state to prevent violence and preserve order. The state is not capable of managing the economy. And, despite statist pressure, alternatives to the state have flourished—which makes it hard to see the state as unavoidable.

The State as Peacekeeper?

Even if it's not legitimate, some statists will say, the state is *useful*. Even though it's illegitimate, we really ought to support the maintenance of state authority because we *need* it. We need it, according to the argument, because the threat of *state* violence is necessary to protect us from *each other*'s violence. If people know that the state will intervene into private conflicts in order to keep the peace, we'll be less likely to be robbed, assaulted, and murdered.

For a proponent of this kind of argument, the issue of legitimacy is irrelevant. It doesn't matter whether we have consented to the state's authority or not. If we haven't, so what? Prudential regard for ourselves and benevolent concern for others dictates that we maintain the state's power. Otherwise, we'll find ourselves immersed in constant, often violent, conflict.

It's important to see what this argument *doesn't* establish. It doesn't provide any direct reason to pay attention to just any command issued by the state. It *only* provides an argument for supporting the continued operation of the state *as a mechanism for preventing violence* against people or their possessions. If the state chooses to criminalize some sexual practice that the majority happens not to like, for instance, it is using its authority to repress dissent and enforce conformity, not, *per se*, to inhibit violent conflict. Unless it can be shown that just any societal disagreement runs a serious risk of turning into a violent dispute

and therefore requires preemptive action by the state, this argument suggests that the only kind of state that deserves support is a state that protects people against actual violence—a minimal state indeed (and quite unlike any state I can think of in today's world or at any point in world history).

How Badly Do We Need the State?

But why should we assume, in any case, that we need the state—an organization with a monopoly over the use of force in a given territory—to protect us against violence?

After all, people can protect themselves against violence. Neighbors can watch each others' homes and workplaces; they can work together to repel the violent. And, even without the state, some people's work could be the provision of protection against violence: someone's job could be to defend others from violent attacks (and, perhaps, to perform related tasks like recovering lost goods and obtaining remedies from aggressors). There's nothing logically contradictory or practically impossible about the delivery of these kinds of services by volunteers or workers without the state's involvement. Why should the need for protective services imply any need for the state?

One common response is that, without the state, volunteer or professional peace-keepers could end up at each other's throats. Thus, statists say, an overarching structure is essential to prevent violent encounters between armed factions.

On its face, this claim doesn't seem entirely plausible. After all, there's no world-state overseeing the behavior of individual countries. But most aren't at war most of the time. In view of the costs of violence, and because people are more likely than not to adhere to norms mandating peacefulness, an overarching authority with a monopoly of violence doesn't seem obviously necessary to keep aggressive acts from happening.

Individual groups of neighbors and workers will have similar reasons to avoid engaging in violence. And, on a small scale, at the neighborhood or city level, the costs of aggression will be even greater: it will be easier for communities to maintain anti-aggressive norms and for neighbors who disapprove of others' aggressive behavior to sanction them for their unreasonable actions. And, of course, the costs and coordination problems involved when a neighborhood seeks to defend itself against thugs from another neighborhood will be much more manageable than those involved when a state, with tax-extracted funds at its disposal, goes to war with another state.

A state by definition exercises monopoly power. And monopolists are notoriously inefficient. When a firm can legally prevent anyone else from engag-

ing in the same work it performs, it will charge exorbitantly high prices and provide poor service. Our experience with other monopolists certainly doesn't give us any reason to think that the state, a monopoly, will likely provide high-quality security, justice, and other services at low costs. And, of course, the state is under even less pressure to provide high-quality, low-cost services than an ordinary monopolist: an ordinary monopolist can exclude others from providing the goods and services it offers, but people are generally free to avoid purchasing these goods and services at all; by contrast, the monopoly that is the state can and does force people to buy what it sells, on terms it gets to set itself.

Even more troubling is the fact that the state is an extremely *dangerous* entity. It's frequently violent—on a grand scale. While states do, indeed, control the misbehavior of smaller gangs of thugs, they frequently oppress their own people and attack and despoil the people of other states. There is no ultimately meaningful way to aggregate and compare disparate acts of violence. But it seems clear that the same general reasons we might have to fear violent acts committed by other people are reasons to fear the misbehavior of the state.

The direct and indirect costs of violence are considerable, and I don't want to underestimate them. Those costs are certainly among the important reasons a stateless society needn't be wracked by violence between armed factions. But there's no reason to think that most people in most societies today are peaceful and cooperative primarily because they fear that the state will retaliate with violence if they behave aggressively. Most people, I suspect, respect social norms calling for peaceful, voluntary interactions with others for other reasons. They can see the reasonableness of these norms, on both moral and practical grounds (we need each other, after all, and peacefulness and cooperation are generally more pleasant than violence). And these norms have been instilled in them by teaching and modeling, both deliberate and unconscious. And the same kind of teaching and modeling could reasonably be expected to play the role they do today in a stateless society.

Internal Peace, External War

I can imagine that a statist might argue, in response to what I've said, that there is considerably less violence within a given country than between countries (I'm not sure I agree that this is the case, but I'll accept it for the sake of argument) because within a country there's an agreed-upon system of law and dispute resolution.

The statist might say something like this: it doesn't matter whether there is a single police agency within a state: often, in fact, there are many such agen-

cies, often independently managed and funded. What matters instead is that there is widespread agreement regarding the legal principles such agencies ought to follow and the courts whose decisions they ought to implement. It is this agreement, the statist may argue, that ensures that diverse law enforcement agencies can cooperate to keep the peace within a state.

Notice that, at this point, the statist has made an enormous concession to the anarchist. The statist has acknowledged that a single, absolutely powerful agency isn't needed to keep the peace. Consider the United States: there is no plausible basis for maintaining that all national, state, and local law enforcement agencies form a single cooperative venture, a giant, coordinated organization. These agencies certainly influence each other. There are clearly people who would like to centralize control of law enforcement agencies, and we have every reason to fear the kind of power that could be exercised over ordinary people if they *were* centralized. But right now, they're pretty obviously independent, and the statist doesn't seem inclined to dispute this: she's acknowledging that lots of different law enforcement agencies can co-exist peaceably. However, she maintains, their peaceful co-existence depends on their mutual acknowledgement of the authority of the legal system.

The statist shouldn't make too much of this fact, however. After all, there are lots of different legal systems. Police officers in Louisiana don't enforce and obey the same state laws and local ordinances as do their counterparts in Massachusetts, nor do they answer to the same courts. Considerable legal variety is clearly compatible with social peace. And it's clear that people can resolve disputes peacefully despite conflicts across legal systems: courts can apply conflict-of-law rules to ensure that a reasonable process is followed and a reasonable outcome reached when someone from Wyoming sues someone from Missouri over a dispute which concerns an event in California but which is, by agreement, subject to Delaware law. (Indeed, conflict-of-law rules make possible the orderly resolution of disputes involving the subjects and legal systems of different *states*.)

The statist may agree that there can be orderly disputes between people identified with communities whose legal systems differ. But she might opt for a fall-back position: in today's world, states and local governments alike claim absolute authority over people who live in their respective territories; people can trust that those supposedly subject to other legal systems will keep their agreements because their governments will make them do so. But no one compels governmental actors to hold people to their agreements. They cooperate with each other, I suspect, as a result of a combination of factors: norms dictating fairness and cooperation, the desire for reputations that will lead to continued trust and

cooperation, and the costs of the conflicts that might ensue if they encouraged people to ignore their obligations. The same kinds of factors would encourage people in a stateless society to cooperate with each other; they would also dispose people making decisions influencing the institutions of the various communities in such a society to favor cooperation over disregard for obligations.

The domestic example the statist wants to invoke here really seems to depend principally on a consensus about choice-of-law rules, since it doesn't, obviously, depend on the existence of a single body of relevant legislation or a single law enforcement agency. And choice-of-law rules can obviously be used to resolve disputes in a stateless society just as they can be within a modern state with multiple legal systems.

Perhaps the statist will want to say that, while there are multiple kinds of law enforcement agencies and legal systems in the United States, for instance, national police and military agencies are always available to resolve conflicts between them. On this view, the ability of multiple legal systems to co-exist rests on the background availability of state violence as a means of regulating disputes. Without the threat of force by national agencies, conflicts between local law enforcement agencies would be as frequent as conflicts between national armies.

I'm not sure the state's claimed monopoly of violence is really the only relevant factor here, though. First, in some states violence is common. Life for many people in many states is violent and, well, pretty awful. States don't always keep violence under control. And states often engage in sustained violence against people living within "their" boundaries. So it's not clear that a comparison between intra-state and inter-state violence always works out to the advantage of the state. Second, the level of violence within a given state that doesn't result from the state's own misdeeds isn't just a function of the degree to which the state threatens to use force against the violent. Poverty, economic ties, cultural norms, and cultural homogeneity (or the existence or non-existence of cultural norms promoting successful responses to cultural heterogeneity) all matter, too. It isn't very surprising that the level of violence within most Western societies is relatively low. But the low level of violence is likely to be a function of the fact that these societies are economically comfortable, that people are economically interdependent, and that values supportive of cooperation and social peace are widely shared. These factors all seem likely to be present in these societies whether there are states or not. So the relative stability of these societies doesn't provide particularly strong evidence of the value of state authority.

Norms favoring cooperation and fairness and opposing aggressive force would likely tend to keep things relatively quiet even without the threat of state violence. In addition, the costs of attacking others would be considerable—and, without the

state, they would be borne (depending on how a given community organized safety services) by volunteers, members of mutual defense cooperatives, charities, or full-time safety and defense workers and the people compensating those workers. None of these people is likely to be too enthusiastic about shouldering the financial burdens associated with violent conflict, costs including lost time, lost resources, a sullied reputation, physical injury, and death. And that means that there will be considerable pressure to avoid this kind of conflict, to make agreements with others likely to reduce it, and to avoid people likely to provoke it.

I've talked here about communities, and for simplicity's sake I've treated a community as geographically localized. But it certainly doesn't need to be. People can belong to multiple, overlapping communities. And different communities—different social networks and organizations, religious congregations, clubs, groups of people involved in the same kind of work—can perfectly well maintain different legal systems. Different kinds of groups can develop bodies of law appropriate for different kinds of circumstances and different kinds of disputes. And, where the concerns of different groups overlap, the same kinds of conflict-of-law rules that govern disputes between people from territorially distinct communities can apply.

A Different Kind of Governance

Recall the words of the Declaration. Its signers insisted "[t]hat whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government." But what if no state at all receives (or deserves) the people's consent? The diverse, unpredictable mechanisms for resolving disputes that will develop in a stateless society can be reliable sources of order and security. Replacing the state with the kind of anarchy I'm talking about here isn't a matter of eliminating government if "government" really just means "governance"—management, administration, the creation and maintenance of order. Creating a stateless society means creating a particular kind of management, administration, order-maintenance—a kind not dependent on violence, on anyone's possession of a monopoly of force.

Peace is productive; violence is costly. Communal ties link people with each other and reinforce norms of cooperativeness, fairness, and compassion. And as human communities explore and experiment, they can devise an enormous variety of creative strategies for conflict resolution without the state's monopoly of force. Contrary to the statist argument that we wouldn't have peace without the state, people who want peace need the state less than a fish needs a bi-

cycle (the bicycle, after all, is unlikely to harm the fish, while the state is positively dangerous).

The State and the Economy

The most common argument for the state today is probably the claim that it's necessary to prevent violence. I think it's clear that this argument doesn't work, that multiple means of preserving and restoring peace would be available in a stateless society. Another argument that the state is indispensable might be that people need the state because a central authority is required to guide the production and distribution of goods and services. But I don't think the state is necessary to manage production and distribution effectively, either—in fact, it almost certainly *can't* do so.

There are several interrelated reasons this is so. I think the most basic is that the state doesn't actually know what people want or what resources are available. It could doubtless amass a vast database of all available physical resources, workers, and their skills. But nothing like this exists now; it would be enormously costly and time-consuming; it would require the deployment of almost unimaginable computing power; and just having the required information would doubtless give state actors a tremendous capacity to manipulate people's lives.

But let's suppose that all of these hurdles could be overcome. It would still be the case that the state would be unaware of people's actual preferences for goods and services. No, no doubt it could simply manage production and distribution without regard for people's preferences, just deciding what they needed and delivering the goods and services it decided to produce accordingly. But does anyone really think that this would be sensible? People know a lot more about their own circumstances, and thus about what would and wouldn't be helpful to them, than do state bureaucrats. And of course just enjoying the freedom to choose which of several goods one wants is independently important.

Perhaps the state could survey people to determine their preferences. It could even maintain individual survey records so it knew just what particular individuals desired. But, again, this would give the state enormous power. It would require a huge investment in data management. And it would require people to devote a great deal of time answering survey questions.

Imagine that this set of problems could be solved. It still wouldn't resolve the difficulty associated with finite resources: not all the things I want are things I can have; I have to make choices; I have to ration scarce resources. To determine how to perform this task, the state would have to ask people not only to provide preferences but to weight them in relation to each other, so there was

some idea of just how much time and energy ought to be expended in delivering which goods and services.

Further complicating matters for the state is that it is not always obvious just what information is relevant to the process of planning for the production and distribution of particular goods. The state might not know whether to acquire the information from particular people, and those people themselves might not realize that certain information they had was relevant.

In addition, it is most unlikely that the state would know in advance of a particular production or distribution problem the most efficient way to complete it. The state could mandate investment in a specified range of approaches—but it would still run a significant risk of ignoring alternatives that might be creatively identified by others. If, however, it were to support multiple efforts by different people to identify creative production or distribution mechanisms, it would not know in advance which ones merited support and, if so, how much. It is hard to imagine that a state-driven system would not stifle creativity and ignore innovative possibilities.

This point is especially evident if you think about the question, not, *How many widgets should we make?* but rather, *Should we make widgets or zidgets?* or, even more fundamentally, *Should we make a factory that can be used to construct parts for widget-making machines (and many other things), or a completely different sort of factory?* On what possible basis is the state supposed to make these decisions? What information regarding possible consumer preferences might it be thought to have? How is it to ration resources among these kinds of basic uses? Suppose the state is going to manage the economy by determining the level of investment in factories, commercial and industrial land, infrastructure, and so forth. It can't ask about the *preferences* of the consumer in these cases, and seek to match investment levels to these preferences. That's because the state itself *is* the consumer—it will be the purchaser of the land and the factories—and what it's trying to do is to figure out just what its preferences ought to *be*.

There are general reasons for thinking that efficient management of production and distribution of goods and services by the state (or, indeed, any centralized authority) wouldn't work. And these reasons apply whatever the goods and services actually *are*. That includes the production and distribution of the goods and services the defenders of the state typically want to suggest that only it can provide, the ones our need for which supposedly helps to justify the state even if it's illegitimate. The argument, recall, is that we need the state to keep us from killing each other and to resolve conflicts. But there's no special reason to think that the state would be better at centrally managing the economical production and distribution of violence prevention and conflict resolution services

than it is at centrally managing the economical production and distribution of other goods and services. The state's inadequacy as an economic manager helps to undermine a crucial argument often offered for its continued existence.

There's another very real problem related to state management of production and distribution, too. The power required to implement such a system would be enormous. The temptation offered to the potentially tyrannical by the availability of such power would be great. And possessing this kind of power would make it possible for even well-meaning bureaucrats who made mistakes to do enormous damage in short order.

The fact that the state can't successfully manage the economical production and distribution of goods and services doesn't *prove* that there should be no state. Perhaps, for instance, there are goods and services which there is good reason for people to want that can't be produced economically. That's why my case against the state is multi-part. I do believe, in fact, that it is possible to produce all of the goods and services we might want without the state. But even if it could be shown that this was not the case, the other kinds of reasons I have emphasized, including the basic illegitimacy and dangerousness of the state, would weigh heavily against the state. I believe it would make sense to forego the state even if that meant also foregoing some other things we might genuinely want.

The direct costs of operating a system of state economic management would be vast. And there would be multiple indirect costs. These would include the reduced productivity resulting from any attempt to manage the creative process centrally. They would also include several other kinds of problems—evident today even in economies not fully managed by the state. These include inefficiencies created by state subsidies to privileged elites, burdens imposed by the state on the poor, and incentives provided by the state that prop up large, centralized business organizations—incentives that encourage inefficient economic activity and sustain organizations in which it is often debilitating, alienating, and oppressive to work.

The Practicality of Anarchy

It is obviously very much in the interests of people who oversee and profit from the operations of states to resist the development of stateless societies. The state is so clearly oppressive and costly that many people would probably explore alternatives to it quite enthusiastically if they imagined that it might be replaceable. The most practical argument in favor of supporting the state is that there really is no alternative to its continued existence. I've pointed out some general reasons why it might make sense to be skeptical about that claim. But

the anarchist doesn't have to depend solely on abstract arguments about what could work or what might be likely to work. In a variety of contexts, people seem to manage successfully without much or any help from an authority with a monopoly of force.

Relationships between States

Start out with the obvious: there's no world state. Some states are much more powerful than others, but no state exercises or claims anything like a monopoly of force across the globe (even if some would doubtless like to do so). Of course, there are conflicts. But much of the time states interact peacefully. They resolve disputes. They acknowledge the legitimacy of the outcomes of dispute resolution processes. And there's no Big Brother on-hand to force them to do so. It's fair to bet that they do so for multiple reasons: violence is costly; reputations are important to maintain; and no doubt, at least sometimes, state officials really do want to cooperate with others and really have internalized norms calling for fair, respectful, peaceable behavior. Whatever the explanation in any particular case, however, states interact without the assistance of a world-wide Leviathan.

International Exchange

What about people and organizations engaged in the exchange of goods and services across state borders? Without a global Leviathan, there's no one to make or implement any sort of global commercial law. To be sure, there are treaties (though, again, there's no world-state to make states adhere to them). But treaties hardly cover every issue likely to arise in commercial transactions. Sometimes, arbitrators resolve international commercial disputes. Sometimes, domestic courts resolve them—even if doing so means having to interpret and apply unfamiliar, foreign laws. People who are members of different political communities with different legal systems manage to resolve legal tussles without depending on a single, overarching authority with a monopoly of force, and sometimes, indeed, with aid of voluntary arbitration mechanisms. The fact that international commercial disputes can be resolved without the aid of Leviathan suggests that the state is less essential than people often suppose.[3]

Merchants' Autonomous Resolution of Disputes

People can also opt out of the state's legal system when they deal with each other *within* state borders. Many people did so for centuries during the Middle Ages and the Renaissance. The *lex mercatoria*, merchants' own law, emerged as a

predictable response to the absence of uniform standards for commercial transactions involving merchants from different regions. Traveling merchants could take advantage of merchants' courts established at trading fairs around Europe. The courts enforced standards agreeable to the merchant community—reasonably enough, since the standards applied to disputes among merchants themselves. The standards were ones that had evolved over time as merchants discovered what worked and what didn't, what was fair and what wasn't, given the kinds of circumstances they characteristically confronted. And effective enforcement mechanisms often included boycotts directed at those who declined to pay up or otherwise accept the merchant courts' judgments.

No doubt ecclesial and state courts also got involved in merchant disputes, and boycotts were hardly the only enforcement mechanisms. And it's not as if there was a single, uniform, merchant code, written in cold type with numbered sections, accepted by all merchants: there were doubtless local variations, and local law surely figured on occasion. With all these qualifications, however,[4] it appears as if mediæval merchants frequently managed to develop and enforce legal norms in ways that helped them resolve disputes involving people from different jurisdictions quite on their own, without the participation of the state. Later generations of traders have continued to do so.[5] Their experience, too raises obvious questions about state's supposed indispensability as a source of legal rules and law enforcement.

Mediæval Iceland

Mediæval Iceland wasn't an anarchist paradise. But it managed quite nicely without state-like institutions for the administration of justice and the maintenance of civil peace.[6] No entity had a monopoly over the use of force. Apart from the funds needed to support a single, part-time worker, the legal system was not dependent on any sort of tax revenue. There was widespread acceptance of a set of norms that governed how limited institutions—juries as well as other groups, organized but basically voluntary, that bore the costs of members' access to the courts—met people's needs. The institutions were sufficiently stable to last for several centuries, during which Iceland lacked a king, a bureaucracy, or a tax system.

Mediæval Ireland

Things were similar in mediæval Ireland. While there were kings—regional or island-wide—at various points, they had little power, and attempts to establish and maintain kingdoms were not always unsuccessful. People belonged to volun-

tary associations that stood surety for them and ensured that they would pay damages if they injured others. Conflicts were resolved by non-professional judges. As in Iceland, there was no legal notion of crime as an offense against the state; rather, all legal conflicts involved alleged injuries to particular people. While Ireland in this period did have some of the superficial characteristics of later states, it featured a justice system that clearly gave the lie to the notion that a centralized authority with a monopoly on force is necessary to resolve potentially violent conflicts.[7]

Shasta County, California

Ranchers in Shasta County, California, could no doubt draw on the local court system. But, as a rule, they don't. They've evolved a set of norms governing the kinds of conflicts they're likely to encounter and the ways in which these norms are to be enforced. Adhering to these norms, they manage a range of disputes without much in the way of reliance on the state.[8]

Contemporary Somalia

Somalia has lacked a central government for a decade and a half. Here's what's fascinating: the Somalis are better off than they were before. Local institutions have helped people resolve disputes satisfactorily and have facilitated economic exchanges with people in or from other countries—all without the purported benefit of any entity with a monopoly of force.

Somalia remains desperately poor and wracked with violence, and doubtless someone could imagine a perfect, flawless government with the ability to make things better. But the reality remains that, despite tremendous external pressure and internal thuggery, the Somalis have continued to maintain a self-managed, stateless society that represents a distinct improvement over the dictatorship they had previously suffered.[9]

The Internet

The state would like to run the Internet. But it doesn't. On-line, people manage to avoid the state's dictates—voicing dissent, planning demonstrations, engaging in forbidden transactions of all sorts. Obviously, they can't count on the state to help if one of the forbidden transactions goes wrong. But even when a perfectly legal deal is on the table, how often does anyone invoke state authority? Websites provide mechanisms both for reputational assessment of people offering to buy or sell goods and services and also for dispute resolutions. Convenience, social pressure, internalized norms, cash deposits, and the need to maintain the level of trust required if others are to be interested in exchanging

goods and services with them all no doubt increase the likelihood that people will keep agreements and, if they don't, that they will abide by the decisions of agreed-upon dispute resolution mechanisms.

The "Wild" West

The West wasn't nearly as wild as movies repeatedly make it appear to be. In reality, it was a relatively peaceful place, with relatively few instances of violence. And—no surprise by now—the state wasn't especially involved. Of course, some of the West was theoretically under control of the United States government and of various state and territorial governments. But the reality is that the ability of the authorities to prevent or resolve conflict was limited by transportation and communication costs and the relatively small number of available government personnel.

So how did people manage? Without the practical involvement of the state, or of anything much like the state, people settled arguments, retrieved stolen goods, and dispensed justice when things went wrong. Sometimes, the sanctions they imposed were harsher than I'd be inclined to support. But it's worth noting that executions, presumably the most serious kinds of sanctions, were rarer than you might think and that due process seems to have been consistently respected. In the absence of the state, people managed their own affairs with perhaps surprising success.[10]

Pirates

OK, here's the fun one: pirates did a surprisingly good job of regulating their relationships. They did so without the state—but also as members of organizations committed to aggressive violence. That might suggest, probably should suggest, that pirates weren't an especially compassionate or fair-minded lot. Nonetheless, they proved able to order their relationships reliably. They arranged authority structures, agreed in advance on the division of loot after an attack, approved disciplinary procedures, and so forth. How? Not because Leviathan was standing over them, but because, as a matter of practicality, they needed to do so if they were to thrive—and, indeed, survive.[11]

The State: Who Needs It?

We don't need the state to preserve peace or to maintain justice and social order. People cooperating voluntarily can keep themselves safe and resolve disputes more efficiently and fairly than the state can. The state is dangerous and wasteful, and it cannot—it could not—reasonably determine appropriate pro-

duction levels and distribution patterns for goods and services, including those associated with defense and justice. The past and present experiences of a range of social groups—including the experience of states interacting with each other—suggests that the heavy hand of state violence isn't necessary to foster orderly cooperation. And, indeed, as I'll highlight in the next three chapters, the state itself poses enormous threats to everyone's freedom and well being, threats that give all of us good reason to want and seek alternatives.

THREE

The State, Big Business, and Economic Privilege

I'M AN ANARCHIST BECAUSE I believe that the state tends to consolidate the power of the wealthy and to help them exploit others. It fosters poverty by securing privileges for the wealthy and well connected. It promotes hierarchical models of business organization and the centralization of power in the workplace. It creates and encourages the persistence of monopolies and other cartels that increase the power of privileged elites at the expense of everyone else. And it sanctions and perpetuates the violence that has been and continues to be used to dispossess poor, working class, and middle class people in favor of large landowners and wealthy business leaders.

The State Makes Elites

The state is actively involved in all aspects of economic life. And, whether the effect is deliberate or not, the practical result of its involvement—contrary to the impression you might get from the mainstream media—is that *the scales are consistently tipped in favor of privileged elites*. The state creates and reinforces privilege: special rules for special people, maintained by the threat or use of force.

One way to think about this kind of privilege is to think about it as a function of the ways in which people obtain resources. Broadly speaking, we can distinguish the *economic*, *social*, or *civil* means of acquiring resources, on the one hand, from, on the other, the *political* and *military* means.[12]

The civil means of acquiring resources are peaceful and non-manipulative: perhaps you transform your existing resources, creating something valuable yourself; perhaps someone freely decides to give you something; or perhaps you freely exchange goods or services with others. Using the political means involves violence or manipulation: perhaps someone uses actual violence to take wealth from someone else (as the state does frequently enough); perhaps some-

one uses the threat of violence to become wealthy (most of the time, when the state acquires resources, it's taking this approach); or perhaps a state actor trades on someone's false belief that the state is legitimate (a belief she may herself share) in order to acquire resources for the state. In any case, the elite, those who benefit from and control the state, are those who employ the political means of acquiring resources to become wealthy. That sharply distinguishes them from the rest of us, who (presuming we're not bandits) use the civil means of gaining resources.

The division between elites, who use the political means to acquire wealth, and the people who use the civil means is very old. We can't be sure just when states came into being. But there is good reason to think that many or most states originated in *conquest*—in the forcible take-over of one group of people by another. People who successfully used violence to give themselves privileges—control over other people's labor, goods, and land—went on to tell comfortingly legitimating stories about themselves. "We're in charge because the gods put us in charge," or "We're in charge because we're inherently superior"—it doesn't really matter what the story is; the important thing is that people who gained privileges by force succeeded in convincing themselves (and others, including their victims) that they somehow *deserved* their privileges.

Perhaps this kind of story of the state's origins isn't actually correct—it's hard to say, since the first states came into being thousands of years ago. What is clear, though, is that the same kind of dynamic has continued throughout history. In England, for instance, previously common lands were enclosed and appropriated by large landowners. Many of the people filling the "dark, Satanic mills" of the Industrial Revolution had been dispossessed from the land on which they worked and prevented by what amounted to internal passport laws from seeking work freely. State violence kept poor people under control and dependent on the good will of factory owners and aristocrats.

The state holds the reins of force. And, because it does, it's involved in propping up the power of the elite.

Once a state is in place, people with wealth and power can influence it, and achieve their goals, far more efficiently than if they had to reach their objectives by convincing or manipulating individual people or small groups to go along with them. Seducing or partnering with a single politician or bureaucrat can yield an enormous payoff for a wealthy person or group. The existence of the state, and its unavoidable susceptibility to manipulation, dramatically magnifies the power of people with wealth.

The state contributes to the creation and maintenance of class divisions not only because the existence of state machinery that can easily be captured

through bribery and corruption makes it easy for the wealthy to shape the outcomes of the political process, but also because of the inherently exploitative character of the state's operation. After all, what the state does on a daily basis is to distort and constrain people's free and creative interactions with each other. The state provides elites with massive opportunities to avoid paying the actual costs of many of the activities in which they engage. State policies help them to maintain their wealth and power precisely by shifting the costs of doing the things that preserve and extend their economic positions on to other people. Thus, the state simultaneously props up elites, encourages inefficient behavior, and exploits people who aren't members of the elite.

Through cartels, monopolies, subsidies, the inflationary creation of money, and the operation of the tax system, the state extracts wealth from those who create it and transfers it to politically connected elites. Thus, it reinforces their wealth and power. In the state's absence, without its protection, they would rapidly lose much of their power and influence; with the state on their side, their social and economic advantages are repeatedly enhanced.

The State Plays Monopoly

The state creates and sustains the exploitative class through monopolies and subsidies—transferring wealth to unproductive elites and protecting them against the pressure exerted by others who want to provide people with the goods and services they offer less expensively.

Over the short term, a particular firm can become dominant in a particular environment and perhaps even succeed in attempts to squeeze other firms out entirely. Over the long term, however, such a firm will tend to grow fat and lazy and to extract monopoly profits. At that point, members of the public will tend to try to obtain the goods and services it offers from others who serve them more efficiently. As a result, its monopoly position won't last for long.

At least, that's what would happen if other firms actually *could* provide the same kinds of goods and services to the same customers as the monopolist. But the picture is very different if the state steps in, threatening to use force against those who offer people the same kinds of goods or services the monopolist does. If the state can prohibit others from doing the same kind of work as the monopolist, the monopolist can stay fat and lazy, and it can continue to exploit ordinary people, growing rich at their expense.

The state is itself a monopolist, as I've already suggested. It seeks to maintain a monopoly over the use of force. That may sound like a noble goal—after all, who wants everyone to be violent? But the state uses its monopoly posi-

tion to support other monopolies. It operates some, like the US Postal Service, directly. (Nineteenth century American anarchist Lysander Spooner famously fell afoul of the US government when he tried to deliver mail; the Congress deliberately and ruthlessly put him out of work.) More frequently, it grants monopoly privileges to privileged elites and their businesses. On occasion, it does this because some state actors genuinely believe that ordinary people will be better off if the state creates or maintains a monopoly in this or that sector of the economy. More often, however, state actors *say* they're serving the public good while actually benefiting their cronies and keeping prices high by suppressing alternatives.

The state creates monopolies of all different kinds. Most fundamentally, of course, in addition to its own claimed monopoly over the use of force, it claims the right, in effect, to create further monopolies at will: it says, in effect, that it has a kind of residual monopoly power. But, more specifically, it consistently confers monopoly privileges of several especially important varieties.

Patents and Copyrights

For instance: without the state, there clearly would be no patents. A patent prevents *you* from making something *I've* made even if you arrive at your understanding of the relevant process, chemical compound, or whatever utterly independently of my own parallel discovery and even if you use your own physical possessions to make it. Because I convince the state that I deserve it, the state gives me the privilege, in effect, to force you to stop working (conveniently, the state will do the needed dirty work for me). Patent rights allow pharmaceutical companies, for instance, to extract enormous profits from ordinary people.

Contrary to popular opinion, patents aren't necessary to spur productivity. Agreements requiring people not to disclose secret information could obviously provide some of the protections patents do, for instance (though they would never be able to prevent people from independently developing products or processes). But even without patent protection, an innovator would often have good reason to want to be the first to offer a given product or process.

Copyrights, too, are fiat creations of the state. The authors of the US Constitution apparently thought that it was obvious that giving authors monopolies over "their respective Writings" would "promote the Progress of Science and useful Arts." But copyrights now extend well beyond creators' deaths, conferring rights far more extensive than anyone might reasonably expect to be necessary to incentivize creative work. Copyrights aren't needed to ensure that such work is completed: people publish books and write music for reasons quite unrelated to the desire for financial gain. Point-of-sale agreements could obvious-

ly require indemnification for losses due to copying creative works for commercial purposes (though these would need to involve more deliberate assent on the part of the purchaser than do contemporary shrink-wrap contracts). And writers and artists could offer buyers a variety of reasons to purchase their creations from them rather than from copiers. Copyrights aren't essential to the vitality of the creative process. They are creations of the state that allow for pointless prosecutions of adolescent music fans—and for the extraction of monopoly profits by media businesses.

Immigration Restrictions

Immigration restrictions discriminate against workers on the basis of their national origin. Sometimes they reflect a visceral distaste for people from other societies. And it's obvious that they disadvantage people from other communities who want to work by keeping them from working even when there's genuine demand for their work. But a state's immigration restrictions also, obviously, harm those already under the state's jurisdiction who want the services provided by workers from other communities. Thus, these monopolistic restrictions—which privilege some people while excluding others—reduce the economic well being of workers from other communities *and* of the state's own subjects.

Licenses

The state consistently demands that people not perform many kinds of work without its permission. Enforcing licensing requirements is often an exercise in petty tyranny, as when an official in Tulare, California, shut down a little girl's lemonade stand because it didn't have a business license. But even when licensing requirements don't prompt the same kind of public outcry, they persistently impede people's ability to work. They raise barriers to entry and boost the profits of people with licenses. New York cab operators, for instance, enjoy oligopoly profits because of the limits on entry into taxi driving work imposed by city licensing requirements. So do physicians: think of how many routine medical services could be performed by nurses, nurse practitioners, or technicians of various kinds if licensing requirements didn't get in the way. Because physicians are the only ones who can perform these services, they can demand high prices from patients. (It never fails to amaze me when debates about reducing health care costs fail to focus on the contributions made to those costs by licensing requirements.) Lawyers are often able to command extremely high fees, too, because licensing limits the provision of basic legal services by non-

lawyers. State-created and state-maintained licensing requirements create monopolies that shunt wealth to privileged licensees.

Licensing requirements make it costlier to work because acquiring or retaining a license may require someone to purchase and maintain expensive equipment. For instance: "health and safety" or zoning rules might prevent someone from operating a small bakery in her own home. Legal requirements might limit "legitimate" bakeries to those employing large ovens—ovens it's economical to use only by a large bakery. These rules keep someone without the money (or time) to acquire and operate a relatively large facility away from her home from operating a bakery. Thus, they work against start-ups and people without money, and so tend to protect established producers and people with money against the pressure exerted by poorer upstarts.

Pro-Business Regulation

State officials often maintain that various laws and regulations are designed to protect the public from business interests. And doubtless protecting the public really is the goal of some people who support regulations of various kinds. But the reality is that regulations often serve primarily to reduce the pressure to which big businesses are often subjected by upstarts. And this is going to be true as long as the state does the regulating, since legislatures and regulatory bodies can easily be captured by the private interests they are designed to regulate. Companies with extra cash in their pockets have money to spend on lobbying and bribery. And all companies are likely to be much more interested in focusing on laws and regulations related to their operations than almost anyone else. Thus, they will be much better equipped to influence the development of such laws and regulations than most members of the general public or, indeed, most legislators and their staff members.

In addition, whatever the content or motivation of regulations, large, established firms will likely find it easier to spend what's needed to comply with new regulations—while smaller upstarts won't. So it's no surprise that, when laws and regulations constraining businesses are adopted, they often work out to the benefit of large firms and to the detriment of small ones.

Thus, Progressive-era regulations sold to the public as designed to protect consumers from big business actually served to protect business from competition—at consumers' expense. Similarly, the industrial cartels created at the beginning of the 1930s offered precisely what large businesses had been demanding during the two preceding decades. Industry leaders had tried to impose rules on other firms that would reduce the amount of pressure established players felt from mavericks and upstarts. As long as those rules were voluntary,

they were often ignored—and lower prices and greater responsiveness benefited the public. So regulatory programs were designed to turn these rules into legal requirements, thus allowing the big players to continue comfortably producing goods and services with unnecessarily high prices while subjecting businesses that served the public more effectively to sanctions designed to make them fall in line. What passes for state regulation in the public interest often undermines public well being.

Another example: regulations that no one can understand or implement without acquiring specialized expertise and spending a lot of money effectively limit the number of people who can even think of producing (for instance) medical devices. It's certainly costly to design and build such devices; but it's often even more costly to comply with the relevant regulations. They increase start-up costs significantly, which means that few people can even think of developing new products. Their effect, therefore, is to protect existing players and a limited number of new ones with lots of money.

Money

The state characteristically insists on monopolizing the issue of money. Anarchists disagree about the extent to which people would need money in a stateless society, but an essential anarchist conviction is that, if an activity *is* appropriate, the state shouldn't be able to monopolize it. By monopolizing the issue of money, the state can manipulate the money supply. It often does so deliberately—as, for instance, when it pays its war-related debts with newly created money. If these debts are paid as soon as the money is created, the state's creditors may get value for money; over time, however, the effects of the increased money supply are felt throughout the economy, with the result that existing money diminishes in value. Without announcing a new tax, the state has effectively committed robbery as a way of funding its war efforts.

If multiple currencies were in circulation, they could be exchanged just as national currencies are now. However, because people could choose sound over unsound currencies, the effects of arbitrary currency expansion would be minimized: people could respond to changes in the values of particular currencies by choosing to transact in others, and there would be ongoing pressure on the various entities that issued currency to seek stability. Leaving banks free to issue their own currency against their own assets would tend to ensure sound money, since, if currency could circulate freely and be exchanged freely, exchange rates would shift in light of changes in the actual value of the assets backing the money. While in the past, concealing the relevant information might have been relatively easy, Internet-based exchange mechanisms could make exchanges

among multiple currencies rapid and relatively inexpensive, and the possibility of exchange would tend to enable people quickly to avoid bad money and opt for good. But the opportunity of transacting in multiple currencies isn't available. Because the state maintains a money monopoly, it is able to exercise enormous, and often destructive, power over people's economic lives—limiting their options while forcing them to use currency it creates and manipulates to the advantage of political elites.[13]

Banking and Credit

Banking and the issuance of credit are effectively monopolies, too. The state determines what conditions a business needs to meet in order to qualify as a chartered bank. Legal rules typically require a business to have sizeable capital reserves in order to qualify as a bank. And they often permit a bank to be chartered in a given area only if it can show that it's *needed*—and whether it's needed is assessed in part in light of its likely impact on the profits of *other* banks. (The other banks are frequently quite capable of influencing chartering decisions.)

These rules serve to protect, not the public, but rather existing banks. If capitalization and other requirements were eliminated, so that small banks could be easily founded, the proliferation of banks, each interested in attracting depositors, would tend to drive down interest rates. Banks with limited reserves might pose some risks for depositors, but, as long as fraud wasn't involved, depositors would be free to choose risk options that worked for them.

Small banks could include *mutual* banks. When they engage in mutual banking, people pledge their own resources to a cooperative venture that can issue currency against the pledged resources (of whatever sort—land, commodities, etc.). This kind of cooperative bank would be unlikely to charge its members interest above the very small amount needed to fund its own operations: the availability of alternatives would see to that.

By contrast, because the state places limits on who can offer banking and credit services, the current banking sector enjoys a collective *de facto* monopoly. The cartelization of the banking industry allows banks to extract monopoly profits from an unwilling public. And because of FDIC guarantees, which are effectively subsidies, banks may often see little need to maintain more reserves than they're required to by law or to identify creative ways to meet customers' needs.

The State Subsidizes the Wealthy and Well-Connected

The state preserves the power and wealth of the exploitative class—not only by creating cartels and monopolies but also through subsidizing the inefficient activities of its cronies.

Tariffs

I remember arguing about tariffs with dad when I was a high school student. I didn't understand basic economics then. But I knew there was something wrong with treating goods and services differently because they came from other countries. It was chauvinistic, nationalistic, discriminatory.

Now, I realize too how much tariffs disadvantage ordinary people in the territory of a state that imposes them—while benefiting elites. Tariffs are, effectively, subsidies by the state to favored industries and firms. A state's tariffs may not actually exclude goods or services from outside its borders. But tariffs can make these goods and services a lot less attractive to purchasers inside its borders. In so doing, it props up wealthy, well-connected businesses that don't want to be undersold by foreign producers. The foreign producers become victims of nationalistic bigotry—but so do the state's own subjects, who cannot obtain goods and services as inexpensively as they otherwise could and who are forced to subsidize privileged businesses. A particularly stark example: agricultural subsidies, which prop up inefficient agribusinesses at the expense of foreign agricultural producers, and which therefore constitute significant, ongoing sources of poverty around the world.

Transportation

State subsidies significantly affect transportation. In brief, state subsidies make long-haul transportation more economically viable when compared with short-haul transportation than it would otherwise be. Investment in road construction is one obvious example. The use of eminent domain to acquire land on which highways and railroads can be constructed reduces their costs to their primary users, whom it effectively subsidizes. Highways are primarily used by large firms that ship goods over long distances. So subsidies that enable them to pay less than their fair share of highway costs give them an unfair advantage over firms that *don't* rely on long-distance shipping. The state's funding of highways subsidizes big firms in particular—and encourage them to stay big and become bigger.

Construction, Real Estate, and Urban Sprawl

The ability to deduct home mortgage interest payments from taxable income is often framed as a way of ensuring that everyone can live "the American dream." But in practical terms, it amounts to an enormous subsidy to the construction and real estate industries—one that drives up housing prices (if I can deduct interest payments, I may be more willing to pay more for a house than I otherwise would). By encouraging new home purchases, and thus the construction of new homes, the mortgage subsidy makes urban sprawl more likely (land near city centers is already occupied and often quite expensive, so it makes sense to site newly built homes nearer urban peripheries). So, of course, do transportation subsidies: if it's cheaper to drive, people will be more likely than they otherwise would to commute long distances to and from work, and bedroom communities will emerge to service them.

Research and Development

State grants and other kinds of subsidies force the public to pay the cost of big businesses' research and development activities. Investing in research and development is not only costly but also risky—there's no guarantee that it will yield anything of value. But if basic research benefiting a business can be performed by a university scientist funded by a public grant before entering the public domain, the business can reap the benefit while shouldering just a fraction of the real cost. At the same time, given the vast amount spent on research and development by the state, people interested in applying its results may be less likely to spend money on basic research; directly and indirectly, the state may crowd people out of work by making what they're doing uneconomical.

Protection against Liability for Environmental Harms

A good example of the problem with regulation: laws officially characterized as designed to defend the environment sometimes actually prevent polluters from being sued for the harms they cause (the same thing happens with respect to, for instance, medical devices). By announcing that, say, the US federal government is responsible for taking care of a pollution problem, the law may also be telling local people who might want to file lawsuits: *Butt out!* Federal preemption rules may be justified as ensuring regularity and predictability. But their actual function may often be to protect businesses from attempts to hold them accountable for harms that aren't acknowledged by the relevant laws and that could be prevented by more careful firms willing to invest more effort to avoid harm-

ing consumers and the non-human world and to protect their reputations with consumers.

Pro-Business Labor Laws

While the state certainly confers some privileges on unions (in part to counterweight the many privileges it confers on businesses), big businesses are arguably net beneficiaries of labor legislation. Such legislation is often framed as having limited the power of these businesses. And undoubtedly some business leaders were unenthusiastic about various features of the National Labor Relations Act, and the NLRA did require businesses to bargain with unions in some circumstances in which they hadn't had to do so previously. But, viewed in context, it's clear that the NLRA led—and was likely intended by at least some of its supporters to lead—to a reduction in labor conflict. Pre-NLRA unions, not legislators, won the first big battles in the struggle for the eight-hour day, for instance. Unions willing to be confrontational repeatedly emerged victorious in tussles with employers. The current labor law framework has had the practical effect of *limiting* workers' options and opportunities by, for example:

- outlawing union shop and closed shop agreements;
- creating opportunities for employers to affect the boundaries of bargaining units in ways that will strengthen their positions;
- ruling out secondary boycotts or multi-site or general strikes;
- requiring cooling-off periods;
- eliminating union hiring halls;
- mandating arbitration of labor disputes;
- prohibiting various kinds of non-union participation in management;
- providing for the termination of strikes by presidential decree; and
- requring that collective bargaining focus on a narrow range of work-related issues.

That framework has supported—indeed, co-opted—unions interested in working within the existing set of power relations. But it has made it harder for unions like the International Workers of the World (the "Wobblies") to challenge employers' power. Without the state to tip the scales, unions like the IWW could use their real bargaining strength to improve workers' influence over their worklives, their job security, and their compensation levels.

Bailouts

A list of state subsidies to plutocrats wouldn't be complete without a reference to the unimaginably huge bailouts distributed by the Bush II and Oba-

ma administrations. The single biggest chunk of bailout money has arguably gone to Wall Street—home of irresponsible investment banks and brokerage houses that have now been taught a valuable lesson: if you gamble with people's money and promote irresponsible speculation (irresponsible speculation fueled in the first place, of course, by the misbehavior of the Fed), you don't need to worry—a golden parachute, provided at public expense, will be waiting for you. Automakers have learned a similar lesson: make expensive, inefficient, polluting cars that people don't want, and the public will be dunned to shore up your failing operations. At the same time, the resources allocated to inefficient automakers *won't* be available for use for other purposes—including the creation of more efficient and environmentally friendly transportation technologies.

Seizing Land for Privileged Businesses

Suppose the state seizes land for a road. The fact that the land has to be seized means that the state wasn't prepared to pay what the owner wanted; a non-state actor couldn't have obtained the land at the price the state was prepared to pay, and the money the state "saved" amounts to a subsidy to the new owner. And the fact that ordinary people will be required to pay for the land without regard to the extent to which they use the road that's built on it means that those who use it a lot, like businesses that transport goods on it, are being subsidized. Eminent domain authority—the authority the state claims to seize people's land—ought to be unsettling in a lot of contexts. But eminent domain actions are especially troubling when land is snapped up in order to be transferred to the control of a business—a developer, perhaps, or a big-box retailer. Private developers are, not surprisingly, major players in local politics, and it takes little insight to guess whether they will likely have more influence than homeowners on what local governments do. When businesses benefit from forced sales, ordinary people—people whose homes are confiscated, ordinary people whose taxes pay for court proceedings—are being required to subsidize their activities.

Creating Privileges Using the Tax System

If the state has no legitimate authority, then no one owes it any duty to support its activities. As, in effect, a gang of violent thugs, the state has no legitimate claim on anyone's possessions. So tax reductions ought to seem like a good thing if you're an anarchist. When the state reduces taxes, it's reducing its assault on people's labor (commandeered when the state seizes its fruits) and

possessions. But the state nonetheless acts unfairly and promotes inefficiency when it it imposes higher unjust burdens on some because it has exempted its favorites from some or all tax liabilities.[14]

Suppose a municipality wants to attract a big box retailers. It may try to do so by offering the retailer a sweetheart deal on sales taxes. On paper, the deal is, indeed, a reduction in the tribute demanded by the state. In reality, even though it's not a subsidy, it functions just like one: the state singles out a particular recipient for special treatment and improves its economic position in relation to everyone else's—since other retailers don't benefit from the sweetheart deal, they're at a disadvantage when compared with the big box retailer. This kind of privilege encourages inefficient behavior—if it weren't inefficient, it would happen without the privilege—and provides special advantages to the politically influential (while also increasing the power of the state, since it's the source of goodies to be dispensed to its favorites).

Military Force

Cost-plus contracting and the perceived need to fulfill every military planner's dreams mean that military spending in the United States is enormous, and represents a vast direct subsidy to a variety of defense contractors. But spending on military activities also offers indirect subsidies to multiple industries. The use of tax-supported military force in Central America to make life easier for US-based banana growers is an obvious instance of a state subsidy to a particular industry that benefits elites while imposing significant costs on local workers and their communities. Using military personnel to open up access to oil for elite-owned firms is clearly another.

The State Helps to Create and Preserve Hierarchies

State monopolies and subsidies encroach on people's creativity and autonomy, encourage inefficient allocations of resources, and force ordinary people to pay tribute to politically connected elites. In addition, they encourage the creation and maintenance of organizational structures that disempower workers and disrupt communities.

Hierarchies Are Inefficient

Large, hierarchical organizations are inefficient. Increases in size can certainly offer some economies of scale. But there are also *dis*economies of scale. Managing information, monitoring workers, transporting goods over long distances—all necessary to the effective function of such organizations—are cost-

ly. They are so costly that, without state support, it's likely that many big, authoritarian organizational bureaucracies would prove too inefficient to survive.

This is true in part for the same basic reasons the state can't manage production and distribution. Whether you're talking about an enormous, centralized, authoritarian organization trying to make decisions for an entire economy, or about a smaller but still centralized and authoritarian organization trying to make decisions for a correspondingly smaller segment of the economy, some of the basic issues are the same. Information, vital information, is distributed throughout an organization. No one person or unit has access to all of it. And the larger the organization, the more difficult it is to assimilate all of this information and the less information any one person is likely to have. Also, within a large business, there will often be no meaningful way to determine prices for the goods and services different units provide each other, since the different units don't actually own these goods and services and will have limited capacity to price them reasonably. The presence of distributed information and difficulties with internal pricing both limit the efficiency of large firms.

But these firms don't have to confront the actual costs of being large, because the state subsidizes them (some more than others, of course). With a vengeance.

The Corporate Form Is Partially a Subsidy

Start with the corporate form itself. To some extent, at least, it's something that wouldn't exist without state action, which offers multiple benefits to the people who are able to take advantage of it —notably limited liability. Limited liability protects the people who own a corporation against lawsuits. It means, in general, that a successful lawsuit against a corporation can touch only the corporation's assets, not the assets of the investors who are often legally and socially identified as the corporation's owners.

In contemporary law, limited liability comes in two basic forms: limited liability in contract and limited liability in tort. *Contract* damages are awarded in light of agreements people made with each other—as, for instance, when someone fails to fulfill a commitment to deliver promised goods and causes a business loss as a result. By contrast, a person is liable in *tort* when she harms someone's interests, whatever his or her relationship with the liable person or entity.

It's easy to see how a firm could arrange for limited liability in contract without any action by the state. When making an agreement with a person or another firm, it could simply ensure that the agreement included terms limiting liability in case the agreement was breached to the assets of the firm itself. It wouldn't need corporate status to do this; it could be a sole proprietorship or

a partnership. However, the cost of ensuring limited liability protection might be greater than it is now, especially if the absence of the corporate form required a firm to negotiate for limited liability on a case-by-case basis.

Whatever might be true about limited liability in contract, without the protection afforded by state-created corporate status, it's not at all obvious that a firm could enjoy limited liability protection where tort suits were concerned. Suppose a firm is responsible for a toxic chemical spill that results in a cancer epidemic that devastates a small town, none of whose residents had any special relationship with the firm. If the firm is a sole proprietorship, a lawsuit against it could reach the assets of the proprietor. If it's an ordinary partnership, a lawsuit could reach the assets of the partners. In each case, the legal owners would be liable for the firm's debts. But a lawsuit against an *incorporated* firm could reach only the assets of *the firm itself*.

Without the limited liability protection that comes with incorporation, shareholders—who are currently treated as the legal owners of a corporation—might themselves be liable for debts resulting from torts committed by the corporation. Whether they would be would depend on just how much control went along with their supposed legal ownership, what kind of influence they exerted on the people directly responsible for the torts, and what kind of influence they *could* have exerted. Whatever might be true of shareholders in particular cases, there's obviously a very strong case for unlimited liability for directors, who are responsible for overseeing the activities of executives. But there surely would be times when at least some shareholders (especially institutional investors with significant influence over directors) would also be liable for corporate torts if state-provided limited liability didn't protect them.

Exposure to this kind of liability could make people more cautious about investment decisions. They might be more likely to limit their support to projects they regarded as low liability risks. If they didn't, they would need to take action to protect themselves in case courts awarded significant tort damages against firms in which they had invested. (Presumably, they would buy significantly more insurance than they do now; many would probably also make various kinds of indemnification agreements.) Irresponsible corporate decisions might be less likely to occur. By providing a corporation with limited liability protection, the state is subsidizing no-strings-attached risky behavior—what economists often call "moral hazard." Simultaneously, it is effectively stealing from people who are unable, because of limited liability protection, to obtain remedies for harms they've suffered because of corporate misbehavior endorsed or promoted by investors.

In addition, the state-granted privilege of incorporation turns the corporation into an entity that's supposedly distinct from shareholders and workers

(managerial and otherwise). Investors receive dividends—sometimes—from the corporations whose shares they own, but their actual involvement in corporate governance is frequently limited (in ways that certainly might sometimes justify limited liability). This is not just because limited liability can reduce or eliminate incentives for an investor to remain actively involved in the affairs of a corporation in which she invests; it's also because modern corporate law encourages the investor to see her role as limited. While the fiction that managers work for investors is repeated and, on occasion, emphasized, economic conditions and legal rules in fact give managers independence sufficient to enable them to act on behalf of "the corporation" rather than the shareholders. Sometimes, this means acting on behalf of the corporation as a community comprising multiple constituencies; rather more frequently, it means identifying the interests of the corporation with those of senior executives. If they choose, as they often do, these executives can simultaneously appeal to the independent existence of the corporation to justify their relative independence from shareholders while pointing to their supposed responsibility to shareholders to justify disregarding the legitimate concerns of workers, local community members, and others. In this way, too, the state supports the existence of large corporate bureaucracies.

Licensing Requirements Protect Privileged Businesses

Licensing requirements and many different kinds of regulations limit the kind of work people can do: big businesses can cover compliance costs that smaller start-ups often can't. Tax law arbitrarily rewards these businesses for doing things—like reinvesting the money they make rather than distributing it to shareholders in the form of dividends, merging with other businesses, or focusing on expensive research leading to large projects—that make or keep them large. Labor law enables businesses to co-opt unions while reducing pressures from radical labor tactics. By funding research and development activities, the state makes it possible for businesses that depend on those activities to grow. And patents, copyrights, and transportation subsidies all make it easier for large, hierarchical organizations to function, too.

Patents and Copyrights Protect Privileged Businesses

Patents and copyrights concentrate wealth: well-heeled businesses can afford to purchase patent rights and use them as bases for their own processes and products when others cannot. And the expectation of the pay-off from successful patents (and of protection from people who can't afford to prosecute patent applications and secure their patent claims in court) creates incentives

for the creation of wealthy organizations able to fund the long-term process leading to the acquisition of patents, something organizations with less staying power obviously find it harder to do. Patents have too frequently been used to keep people from delivering particular goods or services and to shut down otherwise fruitful and economically viable lines of research and development. And patent licensing and patent swaps have also helped businesses to create cartels with the potential to crush other firms and exploit the public.

Tariffs Protect Privileged Businesses

The subsidy provided to businesses through tariffs abuses customers who are forced to pay higher prices. But it also makes it easier for firms to become and remain large. By insulating them against pressures that would otherwise be exerted by workers and firms in other communities, tariffs and similar barriers enable the businesses that benefit from them to become fat and lazy, and so reduce the need for them to adopt more efficient organizational structures.

Highway Expenditures Subsidize Firm Size

When the state funds highway construction and maintenance out of general revenues, it subsidizes all highway transit; but even when it uses funds from fuel taxes to support highway projects, it subsidizes businesses that depend on long-distance trucking if it structures taxes in such a way that heavy trucks pay less than their share of construction and maintenance costs. Similarly, when it uses eminent domain to acquire land for airports and other items of air traffic infrastructure, it allows them to be made available to businesses that depend on them directly or indirectly at a lower cost than these firms would otherwise have to pay to acquire them. Transportation subsidies make it more economical for large, multi-site businesses to operate. Such firms can ship goods for long distances. If (given the existence of subsidized transportation) it makes economic sense for them to do this, rather than producing and distributing locally, then it will seem more reasonable for them to create large-scale bureaucracies to manage their multi-site operations.

Ending Privilege Means Reducing Hierarchy

State-granted privileges, including those that effectively subsidize inefficient business models, promote hierarchy. Eliminating those privileges could therefore significantly reduce workplace hierarchies.

Large organizations are inefficient. They are also unresponsive and more likely than smaller ones to be inhumane. There's no perfect workplace; but work-

places without managers are likely to be far more appealing in some important respects than workplaces *with* managers: being treated like a subordinate without the authority to help shape organizational objectives and the way in which you do your own work can be pretty frustrating and humiliating. The most common argument for the view that hierarchies dominated by people with MBAs are somehow preferable to partnerships and cooperatives is that large organizations are complex in ways that require the purportedly expert leadership of trained managers. But the smaller the organization, the less reason there might be for a structure that distinguishes between workers who produce goods and services for others and managers who oversee the workers. Without state subsidies, then, the rationale for rule by MBAs begins to dissolve.

Without the direct and indirect subsidies provided to big businesses by the state, it would be significantly more difficult for these firms to be large. And the case for managerial bureaucracy as opposed to participatory management structures (or ones that enable workers to govern themselves in cooperatives) is substantially reduced as business size increases. State action facilitates the persistence of centralized organizational bureaucracies that disempower workers.

Not only are hierarchies inefficient—they're unpleasant. Most people don't like to work in organizational settings in which they're treated as impersonal cogs in vast machines, in which they're denied meaningful opportunities to participate in making decisions and to make effective use of their ground-level expertise. People prefer to make their own decisions, and most would rather not deal with the petty indignities and humiliations that make so many workplaces hellish. I suspect, therefore, that most people would opt to work in partnerships or cooperatives or as independent contractors, rather than in hierarchical bureaucracies, if they could afford to do so.

So why don't more people work for themselves, or in partnerships or cooperatives? There are two obvious reasons. The costs associated with starting a business are often high. In addition, working for someone else can mean avoiding some financial risks people who work for themselves have to confront.

Without the state, the barriers to starting a new small firm, whether cooperative or independent, would be lower. Licensing requirements wouldn't serve as barriers to entry into particular markets. Zoning rules wouldn't prevent people from working from their own homes. The various kinds of subsidies to organizational size I've already discussed would no longer be available, so it would be harder for large firms to crowd out small ones. Larger existing firms would have to pay the price of bigness rather than passing the costs on to ordinary people through the tax system, so it would be harder for them to crowd out new entrants. At the same time, start-up capital would be easier to come by.

For instance, absent governmental banking rules, people could create mutual banks and save money on administrative and related costs. So opening a new business would be a less daunting proposition than it is now.

And, without the state's interference, as I suggest in the next section, the cost of living for ordinary people would be lower, just like the costs of starting a new firm to replace a failed one, so the risks associated with being out of work would be lower, too. Without building codes and zoning regulations, housing would be cheaper and out-of-home worksites could be located closer to people's residences. Without tariffs and "intellectual property," consumer goods would be less expensive. Without corporatist regulations and subsidies, resources would be spent more efficiently and prices would be lower. Without taxes, people would have more disposable income.

In short, without the state, people would find it easier to start businesses. And with lower living costs, it would be easier to save for rainy days and easier to pick up the pieces if things didn't go well, so assuming the risks associated with starting a business could be less stressful.

And it's hard not to think that this would put indirect pressure on hierarchical behemoths to change the way they operated. Without the state's help in propping up their antiquated, authoritarian approaches to production and distribution, it would be tougher for them to retain workers very much aware of alternative possibilities. If workers knew they could create more livable workplaces on their own, they would be able to negotiate for better pay and working conditions: with more options, they would enjoy considerably more bargaining power than they do now. There would be good reason for business giants to stop pushing workers around and start creating more autonomous work environments.

Obviously, instead of reducing the time they spent working for others, some people might prefer to let others carry even the reduced risks they would face in the absence of the state and concentrate on boosting their incomes and their stocks of consumer goods. For many people, though, the long-term goal would doubtless still be to leave workplace hierarchies behind, and the more people who did this the more likely it would be that those hierarchies would become part of a world well lost. Without the state, it would be a lot easier for people to make their work environments humane and inviting.

The State Makes People Poor

Many different factors can create poverty or make it worse. But, despite the rhetoric you often hear from its defenders, the state plays a vital role in making and keeping people poor.

A History of Robbery

The state engages in and sanctions the forcible redistribution of wealth from ordinary people to privileged elites. For instance: at a time when land was the principal source of wealth, the British government imposed rules in accordance with which land previously shared by the residents of particular communities would no longer be accessible to all of them but would instead be allocated as the personal property of members of local elite groups. Thus, it deprived people of access to vital resources and left many with few options but to go to work in unsafe, oppressive factory settings. And this was no coincidence: members of the British elite made clear that it was important to them that ordinary people not have the option to be "lazy"—they needed to be forced into service in the burgeoning industrial economy. The government also imposed rules that limited how much ordinary people could travel in search of work, thus forcing them to accept unattractive options closer to home even if they could have obtained better work farther away. Naturally, this arrangement tended to keep ordinary people poor; meanwhile, by keeping workers' incomes, and so employers' labor costs, down, it boosted the profits of the members of the elite who employed poor people—who were prevented by law from obtaining better work.

This is hardly the only period in which government officials stacked the deck against ordinary people in ways that made poverty more likely. Another obvious example: when Britain colonized North America, the British government simply claimed vast tracts of land, in virtue of the Crown's supposed authority, and disbursed them to the politically well connected. Land that might have enabled ordinary people—both American Indians and European settlers—to survive and thrive was instead concentrated, through the exercise of naked power, in the hands of a few. Similarly, government power created vast agricultural estates in Latin America: land that should have belonged to the peasants who lived and worked on it was treated as the property of politically connected colonists, while the peasants themselves became little better than slaves. Governments around the world gave their blessing to slavery.

Large-scale land theft, the violent creation of underclasses of peasants and slaves, and similar injustices are as old as the state itself (and perhaps older). Sanctioned, and often effected, by the overwhelming force at the state's disposal, these injustices have contributed dramatically to the distribution of wealth in today's world. Wealth and poverty are self-perpetuating, and the state's past deprivation of ordinary people's land and access to resources, and their very lives, has ongoing ramifications: once dispossessed, people find it harder to get

back on their feet and achieve real security and comfort. At the same time, with the privileges conferred on them by the state, members of the elite find it easier to maintain their economic positions—and to influence state actors in ways that will lead to their receiving even more privileges.

Rules That Impoverish

The state has sponsored and endorsed the eviction of people from their land. Dispossessing people had awful consequences, eliminating their independence and forcing them into unsafe, menial jobs. Dispossession and its consequences have definitely helped to make and keep people poor. The rules the state enacts and enforces often have the same effect. They're rigged in favor of wealthy groups and individuals. They're rigged in favor of upper- and middle-class values and norms and preferences. And so they tend to exclude and impoverish people who don't measure up.

Occupational licensing laws are an obvious culprit. Such laws might keep a poor person from running an inexpensive, unlicensed cab service—perhaps because she lacks an astoundingly expensive permit, part of a monopolistic system that seeks to raise the incomes of existing cab drivers and taxi companies. They might punish her if she provides hair care services without obtaining an expensive license—even though the up-front cost, in both money and time, of obtaining such a license may exclude her working in her chosen occupation, and even though her customers might be perfectly happy to pay for her services. A variety of rules will stop her from selling drugs outside a licensed pharmacy. A whole range of business and other licensing requirements might keep her from opening a mobile hot-food stand on the corner of a busy street—requirements that, again, function especially as protections for people doing the kind of work she wants to do and who want to keep newcomers from doing the kind of work they're doing. By keeping people from using the low-cost facilities that are their own homes for business purposes, licensing requirements help to corral people into paid work for others and limit their ability to escape from poverty.

Licensing rules may simply exclude some people—like those unwilling to pay the exorbitant costs of New York taxicab medallions—from doing some kinds of work legally at all: they may place absolute limits on the numbers of people who can offer certain kinds of goods or services in particular regions. But even when they don't, they may effectively accomplish the same thing. When, for instance, they make costs of entry high and penalize small-scale work by requiring costly equipment, facilities, or training, they keep poor people who could otherwise work for themselves from doing so, forcing them to remain

poor—and likely dependent on accepting the indignities associated with low-wage work for other people.

Doubtless many of the people who put requirements like this in place are well meaning. (Elites are hardly always well meaning, however: for instance, during the Industrial Revolution, some members of the English elite said clearly that they supported regulations that would effectively deny poor people the option of working for themselves so that they would be compelled to accept otherwise undesirable factory work.) Maybe bureaucrats, regulators, and legislators want to make economic life more orderly. Perhaps they naïvely believe they're helping poor people. Or maybe they just want to raise money for a city government. Even when regulators' motives are benign, though, the actual effect of their choices is often to pressure people into entering work environments that lack the freedom and flexibility of working for themselves.

Whatever the goals of those who put them in place, these state mandates make it harder for poor people—people who lack a lot of start-up capital, people who aren't well connected—to generate income and acquire work experience (especially working for themselves, which, for all its risks, can be a lot more free and rewarding than working in a vulnerable, low-wage job for someone else). This is all fairly typical of what the state does time after time: legislation and regulation ensure that maintaining your standard of living by working for yourself costs more than it would without the state's interference. Because of what the state does, it becomes harder to avoid working for other people, and submitting to the hierarchical impositions and petty tyrannies of the workplace.

The problem isn't just with the limits occupational licensing requirements place on poor people, either. Think about the massive attention governments often pay to land use. By controlling what can be built where, zoning rules and building codes drive up the costs of both commercial and residential construction. Higher costs make it harder for people to find affordable housing. Both because people have less income to spend if they have to use a lot of their money to pay for housing and because the price of commercial real estate is kept artificially high, those costs also make it harder for poor people to perform work that requires access to commercial space. Of course, zoning laws often keep them from using their homes for commercial space, and often from sharing homes with large groups of friends just because they don't happen to be the friends' biological relatives.

As always, it's a good idea to ask, *Who benefits?* I think it's pretty clear that the primary beneficiaries of such laws are people who build and sell real estate. As long as prices in their industries are artificially elevated, their pockets are comfortably padded. Of course some of these rules also reflect the desires of mid-

dle-class people who own homes, or rent homes or apartments to poor people, for artificially elevated rental and resale income. Real estate developers and their hangers-on are often the most powerful people in a city or county, and many homeowners are likely to prove vocal allies for developers. So it shouldn't be very surprising that their views carry more weight with local government authorities than do those of poor people (or, indeed, of others in search of inexpensive housing and commercial space). Not surprisingly, the pattern is familiar: established interests with money and power sell governments, the public, and perhaps even themselves on the idea that measures that will unfairly feather their own nests are really for *everyone*'s benefit. If there were not state apparatus for these self-interested plutocrats to capture, this kind of betrayal of poor people's interests wouldn't even be possible.

The profits which laws and regulations generate for developers and existing residential homeowners are the main reasons these constraints are in place, I suspect. But also at work here, I think, is a reflexive desire to enforce conformity: *That many people just* shouldn't *live together!* I *wouldn't want to set* foot *in a salon that looked like* that*!* The assumption that middle-class legislators and bureaucrats are better judges of what's good for people than the people are themselves serves as a convenient excuse for demanding conformity—even if, along the way, doing so also increases poverty and inconvenience.

Suppose someone wants to repair cars at home, or reduce food costs by growing a garden in her front yard. Busy-body neighbors can frequently insist that she be fined for doing so: after all, potential buyers might not be willing to pay as much for their homes if they realize they won't be able to avoid the sight of an inoperable car or a flourishing garden. There's something bizarre about this kind of reasoning in any context. After all, all sorts of things might influence someone's interest in buying a particular home. The opening of a new factory or a new school might lead people to move from one part of town to another, for instance, and make work in other parts of town less attractive than it might previously have been. Does anyone seriously think that the new factory or school should be required to compensate people who can't sell their homes for as much as they might have been able to had the school or factory not opened? But property-value fascism becomes a lot more than just silly when it's used to limit the options of people without a lot of money. Rules that effectively require people not to engage in certain kinds of work at home, or that compel people to patronize costly grocery stores instead of raising food at home, help to keep poor people poor and dependent.

Of course, some people can't afford housing at all, and so may become homeless. A homeless person may be constantly harassed by the state as she

tries simply to get a nap in a car or on a park bench. When homeless people homestead abandoned land, they may be repeatedly rousted by police officers, often at the behest of people who just don't much like the way they look or smell.

In the Jim Crow South and in apartheid-era South Africa, the state played a key role in preventing white people from paying for work by and providing services to black people on the same basis as white people. This kind of state-enforced racism obviously contributed to the poverty of black people in both settings. Similarly, in modern America, government authorities contribute to poverty by forcibly keeping people without the "proper" immigration documents from working—or else by allowing them to work, while using the threat of deportation to keep them cooperative with employers and the state itself. This kind of racism increases poverty both by denying work to people who may, as a result, have no income at all and by ensuring that, when people without the right papers *are* able to work, they will be discouraged from making waves on the job. After all, if they do, they'll run the risk of attracting the attention of the authorities, who will likely deport them and may even imprison them.

The state also contributes indirectly to poverty: by limiting the options even of people who have the right papers, it effectively leaves them no reasonable alternative but to accept work on undesirable terms. People with the option of working for themselves, people not required to spend most of their money on housing, can negotiate better terms at work. They're much freer to walk away from oppressive, unsafe, low-paying jobs. People with few or no options, by contrast, will have no reasonable choice but to take whatever terms are offered them.

I've already noted the importance of widespread land seizures in explaining the current distribution of wealth and power. Land grabs by the well connected aren't just bad memories: in many places around the world today, the state creates poverty and makes it worse by arbitrarily claiming unowned land or grabbing land directly from peasants and indigenous people and giving it to political elites and their cronies, or by putting legal stamps of approval on violent land seizures directly carried out by elites.

Sales and similar taxes impact even—especially—the poorest people. And state and federal income taxes certainly reduce the resources available to the working poor and blue-collar Americans. Tariffs also hurt poor people—by significantly increasing the costs they need to pay for imported goods (including, often enough, food needed for good health that would be less expensive than domestic alternatives absent import duties). Though often touted as propping up poor workers' incomes, they serve primarily to boost the profits of poorly performing domestic producers at the expense of both domestic consumers (especially poor ones) and foreign producers.

Politically guaranteed privileges are responsible in multiple ways for profits reaped by many large businesses. In an environment in which this is so, unionization can help to improve workers' economic positions. Legally imposed limitations on union activity can tend to reduce unions' influence, and so to reduce the incomes of workers who might make more were they free to engage in more radical bargaining tactics.

The state limits access to work. It limits access to housing. It tries to force people into a middle-class cookie-cutter mold. Sometimes, it directly (as in the case of land) distributes or redistributes wealth to elites. It gets in the way of people's ability to protect themselves by organizing. By doing so, it creates and exacerbates poverty.

Privilege Limits Access to Health Care

The state enhances the economic vulnerability of those on the social and political outside while increasing the security of those on the inside. A particularly good example: state-secured privilege makes it hard for people to get access to decent, affordable health care. The degree to which health care services are accessible is determined by *structural*, *political* factors. It's very often a function of the way the politically well connected make use of their access to state power.

- Drug companies and medical device manufacturers reap monopoly profits because the law gives them patent rights. Patents don't make good economic sense, despite what their corporate apologists might tell you. But they do ratchet up the profits of those who own them, at the expense of ordinary people.
- Working hand-in-hand with health-care professionals' groups, state and national laws impose licensing requirements that limit who can provide health care services. By constraining the numbers of people who practice various health professions and the kinds of services particular professionals can perform, these requirements boost the incomes of health professionals and artificially inflate the prices of their services.
- Hospital licensing and accreditation requirements similarly limit the number of hospitals in operation, and therefore pad the pockets of existing hospitals while driving up the prices people have to pay for hospital stays and other services.
- Legal limitations on advertising in the area of health care services also make it easy for health care professionals to maintain high incomes.

- Rules that permit purely punitive damage awards in medical practice cases increase unpredictability for health care providers and encourage the practice of defensive medicine, with predictable results for health care costs.
- The FDA approval process adds to drug costs (and lengthens the time that elapses before many a drug becomes available) in ways that certainly aren't always to the benefit of health-care consumers. So do other legal constraints on the production and sale of drugs.
- Rules that provide tax incentives for firms to purchase health insurance for workers tend to make it easier for insurance companies to charge higher prices than they likely would be able to charge to individual consumers.
- Current rules that preclude the purchase of insurance across state lines also make it easier for insurance companies to charge high premiums and reap handsome profits.
- Rules that limit who can be an insurer in the first place can have a similar effect. A physician who wanted to offer patients care on a flat-fee-per-year basis was recently prevented from doing so because this arrangement looked too much like insurance, and the physician wasn't a licensed insurer. Who benefited? Not the patients, clearly—but the insurance industry.
- Agricultural subsidies also contribute to health-care costs by encouraging the purchase of lots of low-nutrition foods. Purchasing these items simultaneously redirects resources that could be used to buy foods that made positive contributions to people's health away from the purchase of such foods and encourages the purchase of items that may actually decrease health and thus boost health care costs.

These kinds of legal privileges are sold to the public, of course, as designed in various ways to help ordinary people. But their practical—and, in many cases, intended—effect is to take money away from ordinary health-care consumers and transfer it to people and organizations with more political privileges.

State action also limits access to care by driving *down* the incomes of people who might want access to health care or other goods—but can't afford them. The state's promotion of poverty in all the ways I've previously outlined, makes the impact on economically vulnerable people of state-secured privilege even more severe than it would otherwise be.

Too many participants in recent American discussions about health care share the assumption that privileged, well-connected political actors can and should keep their privileges. The options that have received the most attention

in recent health-care debates are options that largely treat privileges enjoyed by the politically connected, and legal burdens on the economically vulnerable, as unproblematic. But the best way to ensure access to health care is to redistribute wealth from those who benefit from special privileges to ordinary people by eliminating unjust rules that allow the wealthy and politically favored to reap monopoly profits and that make and keep poor people poor.

Poverty, Hierarchy, or Anarchy?

The state can't effectively provide macro-level management of the economy. And when it gets involved in the operation of industries and firms and the economic behavior of people and families it predictably shores up the wealth and power of the already wealthy and powerful. It creates monopolies that insulate the companies owned by members of the elite from pressure exerted by other firms. It forces ordinary people to subsidize them at every turn. It imposes burdens and erects barriers that make and keep people poor. And, when people can work, they often find themselves working in organizations that can afford to maintain centralized, hierarchical structures because of the monopolistic positions they enjoy because of the state's action and the subsidies the state provides them.

The fact that the state serves the interests of the elite while frequently disregarding or undermining the well being of workers and the poor is not an accident. As long as there is a state, it will be vulnerable to lobbying and manipulation, and the wealthy will be best equipped to lobby and manipulate. Further, even if state officials could somehow be rendered invulnerable to lobbying and bribery, the state officials themselves still could, and doubtless often would, take full advantage of their power to enrich themselves at the expense of others. Even if the existing ruling class were somehow eliminated, state officials could and likely would turn themselves into a new ruling class.

The problem, I emphasize, is not, *per se*, with particular people. The problem is with the vast power the state exercises, its power to cartelize and regulate and subsidize and demand tribute and compel compliance through fear. The capacity to exercise that kind of power is what creates opportunities for mischief and temptations for people to exploit and dominate others and benefit their political cronies. I'm not saying that everyone does or will do this; but, with this much power at their disposal, some people almost certainly will, with deplorable results. People organizing their economic lives freely and peacefully can certainly make mistakes. But they won't be able readily to shift the costs of their mistakes to others. And, without a state apparatus to magnify the conse-

quences of their choices dramatically by extending their power, people who make bad choices in a stateless society wont be able to do nearly as much harm as state actors. There's good reason to think that a stateless society would be freer, more efficient, less hierarchical, less impoverished than a society overseen by a state. That's reason enough for me to be an anarchist.

FOUR

The State, War, and Empire

I'M AN ANARCHIST BECAUSE states kill and conquer. Their militaries cause unbelievable destruction. And, through a combination of military force, the use of dirty tricks, and the application of economic pressure, they dominate less powerful societies.

Take an obvious example close to home: the US government's declared and undeclared wars are too often exercises in unjust imperial expansion. Empire-building takes military, political, and economic forms: the government's wars are frequently *imperial* because they serve to extend the its military power around the world, creating new alliances, new opportunities to locate bases and troops at every turn, making clear who's boss to anyone who might get out of line, and because they often seem calculated to extend the influence of American big business.

Similarly, the US government's wars are pointless because don't actually make Americans safer. Military interventions in Korea, Vietnam, Lebanon, Grenada, Iraq, the Balkans, Somalia, and Afghanistan haven't served to protect Americans against foreign attacks.[15.]

They increasingly breed hostility toward the US government, and too often violence against Americans. They don't spread American ideals—they tarnish them: widespread "collateral damage" to noncombatants doesn't help; and US government military interventions typically serve, not to create or strengthen free societies, but to shore up authoritarian regimes more popular with decision makers in Washington because of their cooperative attitudes than because of any genuine commitment to the freedom and prosperity of their societies' people.

War and Moral Equality

The threat of violence is the primary source of the state's internal power. But states repeatedly engage in violence outside their supposed borders.

The most basic anarchist moral conviction, I think, is that no one gets a free pass where morality is concerned. If it's unjust for you to do something in a given set of circumstances, then it's unjust for me to do the same thing in relevantly similar circumstances. By contrast, the state seems to operate on the premise that, once in possession of the right sort of mandate, people can morally do all sorts of things they couldn't do otherwise. For anarchists, though, the fact that the state has ordered someone to do something doesn't, *per se*, change the moral circumstances in which she acts. Thus, anarchists will tend to agree with Mark Twain's acid observation that "[a]ll war" (and here he clearly means the kind of aggressive war in which states most frequently engage) "must be just the killing of strangers against whom you feel no personal animosity; strangers whom, in other circumstances, you would help if you found them in trouble, and who would help you if you needed it." Otherwise immoral conduct doesn't become acceptable when it's ordered by the state.

That's why anarchists say such a decisive *no* to war. Some anarchists are pacifists; but most believe that the use of force to defend oneself or others against violence is perfectly reasonable. States, however, recognize no such limitation: they wage war to dominate, threaten, retaliate, and conquer. And this kind of war makes no sense from an anarchist perspective. If state actors don't get any sort of exemption from the requirements of justice, what entitles them to attack and destroy when ordinary people can't do the same thing? We'd respond in horror if ordinary people began attacking their neighbors, occupying their homes, making off with their possessions, confining them, and demanding tribute from them—but states do this kind of thing all the time. Once we see through the state's deceptive self-presentation, once we realize that state actors are just, as it were, your neighbors with guns, ordinary people with no more claim to authority than you have, we can see that there's no reason to go along with the state's aggressive wars or to regard them as anything but exercises in brutality.

Dispelling the Fog of War

There are all sorts of good reasons to oppose the state's war machine. Most fundamentally, wars kill. States enslave prospective soldiers and exact tribute from people in order to fund their war machines. Wars give states excuses to expand their power. Wars lead to more wars. And they break up families and communities.

Wars Kill

To restate the obvious, state violence kills. Before the twentieth century, state violence (which includes more than declared wars, but which will have been the work either of military personnel or of others acting under the state's orders) likely claimed between 89,000,000 and 260,000,000 lives.[16] Reasonable estimates place the total number of war-related deaths in the twentieth century alone at over—possibly well over—one hundred million people. Perhaps fifteen million people died in or as a result of World War I; World War II may have claimed some fifty-five million lives.[17]

To focus on more recent events: documented noncombatant deaths in Iraq since the 2003 invasion total around 100,000. Over 31,000 US government military personnel have been wounded in action; more than 4,200 military personnel, and over 1,100 contractors, have been killed.

Wars Lead to the Extraction of Tribute

Wars generate ballooning costs and feed a bloated state bureaucracy. It's not easy to estimate costs for wars throughout history. But World War I cost the participants some $2.6 trillion in today's dollars,[18] while the (inflation-adjusted) bill for World War II seems to have been around $3.3 trillion.[19] A Congressional Research Service (CRS) analyst estimates that the United States government spent $341 billion in today's dollars on the Korean war and $738 billion in today's dollars on the Vietnam war (and this ignores various indirect and nonmonetary costs, as well as financial costs not borne by Americans).

We can't be certain just how much Americans will ultimately pay for war in Iraq and Afghanistan and for foreign military base security upgrades initiated since the September 11, 2001 attacks. But a recent CRS estimate suggests that expenditures approved from FY 2001 through the middle of FY 2010 totaled $1.121 trillion. That's roughly $400 per American per year, or $1,600 for a household of four—and remember that US government war efforts are being paid for with borrowed money: the bill will be even higher when it finally comes due.

Take a variety of indirect costs into account and the hit to Americans' pocketbooks looks worse yet again. In fact, two economists, Linda Bilmes and Nobel Laureate Joseph Stiglitz, have argued that the total costs of war in Iraq and Afghanistan could reach at least $3 trillion—and will likely be higher than that.[20]

Barack Obama has announced "the end of combat operations" in Iraq. But some 50,000 US government troops remain, and the President and Con-

gressional leaders remain committed to a protracted war in Afghanistan. There's no end in sight, and the bills just keep adding up.

George Bush and Dick Cheney may be out of office, but the War Party—made up of the people, whatever their party affiliations, who favor using war to achieve the state's imperial goals—is still in power, and it's still spending what grandiose would-be wise men like to call "blood and treasure."

Wars Create Excuses for the Abuse of Power

Wars create new opportunities for the abusive exercise of power. Revolutionary War-era state governments created conscription programs and executed deserters without trial. Would-be warmongers passed the Alien and Sedition Acts at the end of the eighteenth century to suppress criticism of policies with the potential to lead to war. Both sides in the Civil War implemented conscription programs and imposed criminal penalties on vocal dissenters. During World War I, Woodrow Wilson promised that "a firm hand of stern repression" would be used against putatively "disloyal" opponents; the United States government rounded up domestic radicals in large numbers, prosecuting people just for expressing opposition to the war. World War II provided military and political leaders in the United States with excuses to intern people simply because of their Japanese backgrounds, without any determination of individual risks, and anti-sedition legislation provided cover for crackdowns on free speech. Cold War-era prosecutions and persecutions of leftists with no actual involvement in espionage or in Soviet plans for imperial expansion are painfully well known. Vietnam-era groups opposed to the state's southeast Asian adventurism were targeted by law enforcement agencies for infiltration and manipulation, and people were prosecuted simply for the symbolic act of burning draft cards.

War still provides excuses for human rights abuses. Before George Bush announced a "global war on terror," had you ever heard of waterboarding? Or "extraordinary rendition"? Did it ever occur to you that agents of the US government would force defenseless prisoners to feel like they were drowning? Did you think US government personnel would capture people and hand them over to agents of foreign governments—who would beat and torture them? Did you imagine that money you paid in taxes would be used to create "black sites" around the world, purportedly outside the Constitution's reach, where prisoners could be held without trial?

Since the United States became involved in a perpetual, aggressive war—using the military to address a law enforcement problem—we've all become better acquainted with the slick euphemisms the government can use to hide brutality.

Some of the worst abuses of the Bush years may be over. But Barack Obama's inaugural address told us that Bush's "war on terror" wasn't over. The Obama administration apparently has no intention of prosecuting Bush-era torturers: the theoretical possibility of trials may still be on the table, but there's no realistic chance they'll actually happen. There's some reason to think its newly announced rules preclude torture by US government workers—but not necessarily by foreigners at US government sites. The administration seems to be using carefully crafted rhetoric to distance itself from its predecessor's awful human rights record, while still keeping its own options open.

And of course the problem doesn't stop at the water's edge. Is there anything more fun than waiting in an airport security line for a humiliating search? Do you like knowing that guards are keeping your friends and family members from walking through security checkpoints with you to your departure gate? Aren't you glad to know that government agents have been listening in on Americans' cell phone calls? Or issuing "National Security Letters" demanding people's private information—while prohibiting anyone from revealing the fact that they've obtained it?

Freedom was the first casualty of the American state's undeclared war.

As a senator, Barack Obama supported reauthorization of the USA PATRIOT Act despite the fact that he had earlier noted civil liberties problems with the law. And he signed up for the FISA Amendment Act, which purported to make warrantless wiretaps legal (just be glad Congress can't change the Constitution) and gave telecoms a free pass for helping out with the Bush Administration's domestic surveillance program.

War gives the state the excuse to hide information from the public. Not so long ago, the Department of Justice argued that, because a case involved state secrets, the entire case should be dismissed. It said the government's claimed state secrets privilege could justify keeping the government itself from being sued.

That's the Obama Department of Justice.

During his presidential campaign, Obama criticized the Bush Administration for its expansive reading of the state secrets privilege. Now, his DOJ is taking the same position as its Bush-era predecessor.

The government claims it needs the state secrets privilege, and other secrecy rules, to keep us safe from our adversaries in the "war on terror." But the principal effect of secrecy rules is keep us from holding the state accountable. They make it easier for fraud, violations of civil liberties, and torture to go undetected and unremedied.

Randolph Bourne famously observed that "war is the health of the state." The War Party uses the endless "war on terror"—which does little to keep Americans safe, but which does foster intense anti-American sentiment by casting the US government in the role of a global bully—as an excuse to justify the abuse of human rights, the erosion of freedom, the wasteful expenditure of our money, and the expansion of executive power, hiding abuses from view by appealing to the value of state secrecy.

In war-time, the state seeks to silence or marginalize dissenters, dismissing those who oppose the official story as un-patriotic or even traitorous. Dissidents are branded as dangerous, put on watch lists, ridiculed, and harassed. They may not be imprisoned, as some were during World War I. But establishment cronies and apologists in the mainstream media treat them as silly, naïve, and so obviously wrong that they may be effectively silenced—their voices inaudible to most ordinary people.

Violence Leads to More Violence

Wars lead to even more violence. Military intervention and political manipulation in the Middle East—most recently the two-front war in Iraq and Afghanistan—has led to passionate antipathy to the US government across the region and the Muslim world. Ongoing terror campaigns don't reflect some mythical distaste for American decadence. They're focused intensely on the goal of dislodging US government soldiers and military "investments" from the region.

Public statements identified as originating with the al-Qaeda terrorist network consistently justify terrorist attacks as responses to military action: to the US government's long-term, ongoing intervention in Iraq, for instance, and the presence of its armed forces in Saudi Arabia.[21] (Remember when Secretary of State Madeleine Albright famously said that maintaining an embargo that led to the deaths of Iraqi children was "worth it" because it contained Saddam Hussein? Would you guess that boosted pro-American sentiment in Iraq?)

One of the defendants in the 1993 World Trade Center bombing case said the same thing. The 2010 Times Square would-be bomber made the same point again.

All purposeful (or indiscriminate) attacks on noncombatants are wrong. There are no exceptions. But terrorist violence directed at American targets is explicable. It's not a product of visceral hatred for American freedoms, nor is it part of some sinister master-plan for the conquest of the world. It is a direct response to perceived injustice and the violence of war.

Wars Break Up Families and Communities

Wars break up military families. The mobility required to make a standing army work puts enormous pressure on family life. It also makes communities unstable, as military personnel, with a lot to contribute to their communities, are unable to put down the roots they need to invest emotionally and financially in their communities. Ironically, many of the same "conservatives" who trumpet their pro-family credentials seem unconcerned that their support for a bloated military establishment comes at a high price for many real-world families.[22]

War and Empire

There's no way around it: whether Americans like it or not, the United States has become an enormous global empire. Obviously, US government imperialism doesn't look just like, say, British government imperialism. In general, the US government doesn't attempt directly to control millions of square miles of territory outside the borders of the territory it claims as its own. Instead, whether through military action, political manipulation, support for coup plotters, or economic pressure, it encourages the installation and continuance in office of regimes friendly to its interests. Sometimes these regimes seem relatively free, and sometimes they don't. What matters to the people who hold the empire's reins is to create and maintain a network of allies who can offer access to resources and markets, sites for military bases, and support for other strategic goals.

War and empire go hand-in-hand. War is as common an instrument of imperial expansion as it is a means of defense. The story of the growth of imperial power is a story, not of peaceful alliances but of war and conquest. Alexander built the Macedonian empire not with the understanding of philosophy he gained from Aristotle but with his skills as a ruthless general. Rome dominated the Mediterranean world because its troops suppressed alternative sources of power and stayed to maintain order and threaten violence. Spain and Portugal fought, burned, stole, and enslaved throughout Latin America. Military created and maintained France's imperial presence in western Africa and southeast Asia. The sun never set on the British empire because British troops conquered India, kept native peoples in check in North America and Africa, and patrolled the world on the ships of the incomparable Royal Navy.

Consider the last five decades. And focus just on the United States. The US government is hardly the world's only military power. It's hardly the only government to invade countries other than the one it claims to rule. But it's been

the most powerful government in the world at least since the end of World War II, and that means that what it does has a particularly dramatic impact on other societies—and makes especially clear what states can, and likely will, do with military resources.

The United States government wasted billions of dollars on its war in Vietnam, in which between three and four million Vietnamese people and close to 60,000 Americans died. Many Americans sighed with relief when the war in Vietnam ended. But it was obvious that militarism and imperialism hadn't gone away. The unintended consequences of imperial overreach in southeast Asia included bloodshed and totalitarian oppression in Cambodia. Just a few years later, the Reagan Administration was at it again, sponsoring thugs who tortured peasants and raped and murdered nuns. Then, of course, there were the first Gulf War and the imperialist intervention in the Balkans masked as what Noam Chomsky labeled "the new military humanism." The Bush Administration launched a disastrous, unjust invasion, rooted in lies. And it used its declaration of an open-ended war on terrorism to excuse domestic surveillance, indefinite detention without trial, and torture.

Now, the Obama Administration is ramping up the US government's military presence in Afghanistan. There's ongoing talk about military activity into Pakistan. Hawks in Washington are still looking for excuses to attack Iran. And the US is still trapped in the Iraq quagmire.

America's One Major Party: The War Party

Commentators have blathered about a purported shift from "hard" to "soft" power. But state power is still, ultimately, the power to maim and kill, and the elites who want to use the power to extend their economic and political influence continue to set the agenda. They seem comfortably at home in both major American political parties: war isn't just a preoccupation of Republicans (Nixon, Reagan, Bush I, Bush II) or Democrats (Johnson, Clinton, and now Obama). So, instead of talking about the Republican Party or the Democratic Party as the culprit, we ought to focus on the real villain of the piece, the War Party.

States support war with flimsy arguments and dubious propaganda. Remember when Kanan Makiya announced that US government troops entering Baghdad would "be greeted with sweets and flowers"? When Colin Powell told the UN Security Council that Saddam Hussein possessed weapons of mass destruction? When Tony Blair said Saddam Hussein could launch a nuclear attack in forty-five minutes? When the Bush Administration announced, "Mis-

sion Accomplished"? Mainstream pundits implied that there was no choice but to invade Iraq, that events after the invasion would proceed smoothly, that democracy would break out across the Middle East, that the benevolence of the coalition invaders would be universally acclaimed. The facts have been, to say the least, different. And the ongoing dominance of the War Party means we can count on more unjust, pointless wars and more attacks on our freedom and our pocketbooks.

On Not Sending the Marines

As I drafted the first version of this chapter, I was listening to a thoughtful anarchist commentator objecting to the US government's attempted interference with the "internal politics of another nation." What kind of interference? The passage of a non-binding resolution expressing support for anti-government protesters in Iran.

I think there's good reason to oppose this kind of resolution. But surely it's not because of any concern for any state's "internal affairs." After all, for anarchists, all states are finally illegitimate: their borders are arbitrary creations, their governments thugs in disguise (or not). The fact that something occurs on the other side of a state border is no reason not to criticize it. People have every right to criticize injustice anywhere. And, indeed, we have good reason actively to oppose unjust state action anywhere.

But notice that we're not really talking about opposition by principled individuals or groups: we're talking about opposition by a government, the government of the United States. It's the most powerful government on the planet, with an enormous military—and a history of active involvement in authoritarianism around the world.

So when the US government takes a position regarding protesters in the streets of Iran, it's hard not to see this as connected with ongoing efforts to intervene in Iranian politics and install a more friendly government. That's why, as an anarchist, I oppose an official US government position on Iran: not because I want the Iranian people to be ruled by the mullahs, but because I don't want them to be ruled by anyone, including puppets of the US government.

States, Wars, and Standing Armies

"I abominate and detest the idea of a government, where there is a standing army," early US politician George Mason once said. For Luther Martin, one of Mason's contemporaries, it was obvious that "[w]hen a government wishes to deprive its citizens of freedom, and reduce them to slavery, it generally

makes use of a standing army." Elbridge Gerry described a standing army as "the bane of liberty." Thomas Jefferson included a ban on standing armies among "the fetters against doing evil which no honest government [*sic*] should decline." I think they were on to something.

Standing armies—I'm using "armies" as a term of convenience to refer to all kinds of military forces—are armies not simply called up for defensive purposes in time of war, but maintained on a full-time basis by the state. In principle, of course, such armies could exist without states, and a state needn't have a standing army. So an argument against a standing army isn't a knock-down argument for anarchism. But there's a natural connection between standing armies and states. States can afford to maintain large standing armies because they can support them using tax money. Standing armies are more likely to attract members when they are maintained by states because states can spend enormous amounts to promote recruitment. In addition, states can encourage people to join standing armies using propaganda that manipulates people's natural bent toward loyalty by focusing that loyalty on the state itself rather than on genuine local communities. By convincing people that that it deserves their loyalty and that that loyalty is best expressed through military service, the state can manipulate people into joining the military in a way that, say, a community association or firm that provided security services could not.

The Existence of Standing Armies Makes It Easier for States to Fight Wars

States need standing armies to drive their war machines. If a society features a voluntary militia to defend against invasion or violent civil unrest, the militia will do its work and then disband. Members of the militia will only participate in its activities if they believe it's doing something important, if it's defending their interests or those of their neighbors or friends. A standing army, by contrast, is ready to be deployed. A state doesn't have to wait for an attack or the threat of an attack to make use of its standing army. If it wants to invade another country, orders for the invasion simply need to be passed along its military chain of command and full-time soldiers and sailors will begin to do the jobs they've been trained to perform.

The Existence of Standing Armies Facilitates the Manipulation of Soldiers' Loyalty

Personnel in a standing army are acculturated to think of themselves as performing invaluable tasks for their community, to trust and obey their superiors, to see what they do as an expression of loyalty. When the state snaps its fingers, they'll be likely to comply. By contrast, volunteer members of a militia

are not primarily soldiers or sailors—they're teachers, electricians, accountants, steel workers, lawyers, journalists, and plumbers. They have their own lives to live. This means both that they are likely to be resistant to attempts to persuade them to give up their ordinary lives to participate in war *and* that they will have had considerable opportunity to develop independent perspectives on what's going on in the world. They won't have been subjected to constant propaganda reminding them of their role as the guardians of freedom, democracy, or the Homeland.

States Propagandize Effectively for War

A state has the resources to continually subject, not only soldiers, but everyone else, to constant propaganda in support of war. Once they decide on war, the state's leaders can use the enormous, tax-generated resources at their disposal to convince the public that danger is imminent, that the intended enemies of the war they seek to undertake are evil, that justice is on their side, and that victory is certain. To be sure, smaller, non-state groups can propagandize for war, too, in a stateless society. But such groups simply wouldn't have the resources, the influence, or the stature of the government of a state.

State officials enjoy an irrationally cultivated prestige that boosts their credibility when they propagandize for war. In addition, they repeatedly claim that they are in possession of information justifying military action which ordinary people lack, and that they must therefore simply be trusted. At the same time, they can maintain that they are unwilling to release this information more broadly because to do so would, purportedly, compromise everyone's safety. "It's for your own good," they can announce. "That's why we're not telling you. But take our word for it."

States Deploy Armies of Slaves

States have, of course, another method for increasing the sizes of standing armies: they can enslave people. Older autocracies literally classified people as slaves, as state property, and sometimes forced them to fight (of course, arming slaves is always risky, since they might revolt). Modern states rarely call anyone a slave. But they are quite willing to demand involuntary work from people in the military. The state doesn't have to worry about whether people will regard a war as just or necessary, whether they will see the measures taken to ensure that they can perform their military jobs effectively as adequate, or whether they have other commitments that preclude military service. (Well, it's true that Dick Cheney had "other priorities" during the Vietnam war. But that

was different.) It's simply free to announce to people—as it often does—that they are *required* to join the military, to work for low wages while accepting enormous risks.

Standing Armies Breed Servility

State-created standing armies also foster deference to and trust in authority. Ordinary people who defend their community while fighting in a militia return to their ordinary work and continue making their own decisions. People who are trained specifically to be soldiers learn to obey, to do what they're told without question. That's one of the reasons many of the founders of the United States distrusted standing armies: the kind of mind-set required to be a good soldier isn't the same as the mind-set required to be free and self-governing.

States Can Use Standing Armies to Repress Dissent

States can use standing armies for repression, too. While the typical claim is that military forces are maintained for defensive operations, they can easily be used to stop dissent and keep ordinary people in check. Again, the point is not that large groups of armed people couldn't do this in a stateless society, too, but that the state has the resources to invest in maintaining a powerful military machine which it can proceed to use effectively, at its discretion, to beat, arrest, torture, and kill dissenters.

Military Service and the Culture of Police Violence

A further problem: many people who leave the military become police officers. I don't suppose that there's any automatic connection between being on active duty or being a reservist and becoming a violent and abusive cop. But it's too easy for cops to treat ordinary people like enemies, and some kinds of military experiences can reinforce this tendency. Military organizations and high-pressure combat-linked environments can encourage the dehumanization of perceived enemies. And people can bring their histories with them into civilian life. That doesn't mean, at all, that military service turns everyone into a violent thug. My dad served in World War II and posed, so far as I know, no threat to his neighbors when he returned; I don't fear for my life around my friends with military service records. I just worry about ways in which some people can be disposed by some kinds of military experiences to behave with thuggish cruelty both while in uniform and in civilian life.

Drafting large numbers of people into the military is often praised as a means of building connections among people across barriers created by class,

geography, culture, and ethnicity: think about the vast number of war movies that focus on the theme of military service as undermining these barriers. But the shared experience of military service also serves as a way of encouraging larger numbers of people to accept state violence and to identify, as its servants, with the imperial and military aims of the state.

Police officers' past military service is hardly the only link between abuses of military power and abuses of police power. Police agencies are increasingly being encouraged to work with the military and people are being prompted to think of policing and the use of military force as two sides of the same coin. As I was writing this chapter, evidence came to light that the Bush administration had seriously considered dispatching military units to round up suspected terrorists on American soil, in a further erosion of the traditional—and very wise—prohibition on use of military personnel for domestic law enforcement. I think we have every reason to be troubled when the state uses the power of its military forces against its own people. But we should hardly be surprised: the threat of force so clearly represented by the domestic use of a standing army is, after all, what makes the state the state.

Thoreau was surely right: "objections which have been brought against a standing *army* . . . may also at last be brought against a standing *government*. The standing army is only an arm of the standing government. The government itself . . . is equally liable to be abused and perverted . . . ."[23]

The real, underlying problem is not the standing army—dangerous as it is—but the state that maintains it. States can maintain standing armies when others couldn't because they can extract enormous amounts of money from people through the tax system, the inflationary creation of money, and other means dependent on their vast power over people's lives and possessions. State's armies help to maintain and extend their power, engaging in terrible abuses along the way—abuses for which they are rarely (as long as they aren't defeated) held accountable. And service in those armies prepares people to participate as law enforcement officers, after the completion of their military service, in the suppression of opposition to the state.

The Friendly Face of Empire

Imperial power is often spread at gun-point. And even when it isn't, the awareness that military force is always available to back up an imperial power's demands helps to make sure people will comply with those demands. The United States, for instance, maintains nearly a thousand military bases around the world, ready for action. States also frequently use violent but less direct or overt

means of forcing their wills on others. A state may propagandize for, fund, or actively manage a *coup d'etat* in another state.

The fact that states have substantial financial resources and can employ many people skilled in violence and subterfuge makes it easy for them to manipulate events outside their borders. And the fact that the societies they seem to manipulate are almost all ruled by states means that they can focus their efforts on a relatively small number of people: when a state rules a society, all one needs to do to alter the society is to change the small number of people who make relevant decisions for the state—or to change their attitudes or motivations. Often, of course, not much changing is required. The elites who direct different states often have more in common with each other than they do with the people in whose interests they purport to act.

Imperial rulers and their corporate partners readily persuade local elites in client states to invest money taken from ordinary people by force or fraud in white elephant projects that may boost politicians' egos but which primarily benefit, not local economies but politically connected multinationals. Those same multinationals benefit when elites in developing societies force peasants off of their land, leaving them little choice but to accept unsafe, low-paying jobs and little room to bargain for improved conditions.

It's often a good deal less costly—financially and politically—for a powerful state to maintain an empire at a distance. Instead of actually occupying other states, stationing garrisons there and assuming the burden of administering it, a powerful state can simply farm out this responsibility to local elites. It can cement ties with its client states using treaties, economic relationships, and the provision of military, technical, and other kinds of assistance. Then, it can proclaim enthusiastically that, unlike other states—whichever ones it wants to distinguish itself from—*it* isn't an imperial power, but an open-handed partner.

There are obvious PR advantages to proceeding this way. It's easy to convince the unwary that the empire really isn't an empire. The modern, updated empire's seemingly consensual approach to gaining power contrasts starkly with the traditional empire's reliance on naked force. But the contrast is more apparent than real.

The empire increasingly wears a friendly face—both because doing so keeps its own people and those it seeks to manage elsewhere from chafing too much under its rule, and because some of its leaders doubtless wish to believe that their exercise of power over others is really for those others' own good. And empire with a friendly face is doubtless less awful, in some sense, than empire at gunpoint. But whether they're maintained by war, the threat of war, covert manipulation, or just cozy relationships with local elites, empires unjustly re-

distribute resources to privileged elites and encourage ongoing acts of violence and dispossession.

Choosing the State or Choosing Peace

States kill and maim and destroy. The human capacity for violence is magnified, glorified, and protected from criticism by the state's military machine. And the state's wars, in turn, provide new opportunities for the state to grow—not only by expanding its boundaries but by enlarging its administrative apparatus (bureaucracies never shrink) and the scope of its control over the people who inhabit the territory it claims. The permanent military forces only a state could afford to maintain instill fear at home and abroad and train people for obedience to arbitrary masters. And diplomatic and economic power—still backed by force, and exercised in tandem with the economic elites who are the state's cronies—enable the imperial state to exercise influence beyond its borders inexpensively, and while maintaining the illusion of amiability.

You can have the state, with its lust for empire, its capacity for empire building, and its destructive war machine. Or you can have anarchy. People in a stateless society aren't likely to be more virtuous than people in today's world of warring states. But they will at least lack the opportunities for war and imperial expansion and the structural incentives to engage in both created by the existence of states. Without the state, there will still doubtless be acts of violence. However, without tax-funded standing armies and all the other resources states can bring to bear, the destructive potential of human violence will be significantly reduced. And without state control mechanisms to capture in war, the incentive for large-scale violence will be importantly diminished. Anarchy doesn't offer utopia. But it does offer more peace and safety than the state.

FIVE

The State and Personal Freedom

I'*M AN ANARCHIST BECAUSE* the state suppresses personal freedom and helps others to do so. One especially important way in which the state does so is the operation of the criminal law. The abuses associated with the existence of the criminal law are bad enough—but police officers regularly overstep the already liberal constraints on their behavior to engage in horrifying acts of violence. The state attacks freedom with the criminal law in all sorts of ways; I consider some examples here, including police abuse and the criminal law itself, the destructive War on Drugs, state abuse of children, and attacks on consensual sexual relationships.

The Offense of the Criminal Law

The criminal law is the most crucial agency by which the state exercises arbitrary power over people, because of the disconnect between actual harm to real people, on the one hand, and, on the other, the criminal law's definitions of offenses and the sanctions it imposes. The whole notion of *crime* is statist. A crime is something that seems superficially to be an offense against another person but is "really" against the king—except when there isn't a king; then, the state steps into the king's place.

Interpersonal Justice without the Criminal Law

In many older societies, there was really no such thing as criminal law, understood as governing offenses against the king (or the equivalent). Offenses were offenses against other people, not the king or some abstraction like the state. If you hurt another person, you compensated that person or that person's family. This kind of system was practical in multiple ways: it didn't feature an expensive prison or justice system (the costs of the legal system would have been

borne by the litigants themselves, and presumably especially by those *bringing* suits against others); and it focused on a clearly identifiable, reasonable goal—compensating people for harms they'd actually suffered.

Disregard for Victims

The growth of the state has led to the modern emergence and dramatic expansion of the criminal law. This expansion of state power is deeply troubling.

Fundamentally, the state's criminal law isn't about victims. The victim provides, as it were, the occasion for the state to act. But it is the state that is acting and it is the state's interests that the state's criminal justice system is designed to safeguard.

Lack of Concern with the Occurrence of Actual Harm

Because the system is focused on the state rather than the victim, it severs the direct connection between (*a*) being subjected to a legal penalty and (*b*) actually doing something harmful. In a victim-based system, in which people make *tort* claims against each other, a real person who claims to have suffered a real injury (or someone substituting for such a person) has to demonstrate that you've actually harmed her to qualify for compensation. In a state-based system that features prosecution by the state for *crimes*, the state doesn't need to demonstrate that you've injured someone in an independently specifiable way in order to subject you to potentially severe penalties. In effect, the state *defines* a certain act as injuring itself, and prosecutes people accordingly. The state *determines in advance* that conduct of a particular kind will qualify as an offense; and an action of the relevant kind will *still* qualify as an offense even if no one shows, or even *could* show, that she's suffered an actual injury because of the act. This isn't just a theoretical point, either: think about the broad range of transactions states criminalize without demonstrating in any particular case that they do any appreciable harm to the participants.

Lack of Need for Actual Victims

In a tort-based system, people can determine how serious injuries are and decide whether they want to seek compensation for them. And someone's deliberate, free, informed participation in a potentially harmful activity will limit her ability to obtain compensation for injuries suffered in connection with that activity. These factors certainly figure in some state criminal prosecutions: when there's an identifiable victim, the victim can decline to press charges, and some-

one charged with a crime can introduce evidence regarding the putative victim's behavior to justify her behavior or limit her culpability. But in other cases, the state doesn't identify victims, and no one actually *involved* in any supposed offense gets a choice about whether to drop charges—drug cases provide obvious examples.

Lack of Concern with the Extent of Actual Harm

Not only does a crime-based system not limit prosecutions to cases in which real people can demonstrate that they or their loved ones have actually been harmed—it doesn't allow for any calibration between the consequences for an action imposed by the legal system and the actual amount of harm caused by the action. To be sure, a punishment imposed under modern criminal law is ordinarily supposed to reflect the convicted person's level of moral culpability and the supposed seriousness of the offense for which she's been convicted. But the criminal justice system *assumes* that the purported offense really is harmful. Since no one in particular has to show that she's actually been harmed by the offender's conduct, there's often no point in the process at which any supposed victim has to show—or is in a position to show—just how much she's actually been harmed.

Punishing conduct because it violates the law, rather than because it's demonstrably harmful in any particular case, makes it easy for the state to impose penalties for behavior that someone else—someone who's not directly affected—happens not to like. The criminal law provides another context in which the state can subsidize. Decent communities in stateless societies doubtless wouldn't have much time for the moralizers. But, in a community in which people really did want to harass others of whose lifestyles they didn't approve, the would-be harassers would have to bear the cost of harassment *themselves*. By contrast, being a moralizer is cheap if the state's on your side. You can indulge your taste for seeing other people harassed in virtue of their religious practices, their sexual habits, the substances they consume, or anything else you happen to find distasteful, simply by persuading the state to do your harassing for you. You can vote for or lobby in support of measures that the state pays for by dunning everyone who pays taxes. You don't have to worry about the cost of harassing others if those costs are unwillingly shared by everyone from whom the state can exact tribute.

The Unjustified State Criminal Justice System

The state doesn't justify its criminal law authority by maintaining that it stands in for victims. And of course it doesn't argue, either, that it needs this au-

thority so that it can exercise total control, if need be, over its subjects. The justifications often offered for the criminal law often feel like after-the-fact rationalizations for practices in which the state intends to engage whether they're justified or not. Practices inherited from the era in which criminal law was unequivocally concerned with offenses against the king have continued long after the end of absolute monarchy and the discrediting of the notion of the divine right of kings. But the state does trot out justifications for these practices.

Retribution Rests on a Mistake

The two most important justifications are that the criminal justice system effects *retribution* and that it furthers *deterrence*. The notion of retribution is convenient because it *presupposes* the wrongness of the conduct prohibited by the criminal law; there is, as I've said, no need for the state actually to *demonstrate* that the conduct has harmed anyone. Retribution supposedly justifies the state's criminal justice system because people who have done bad things purportedly *deserve* to be punished. But there is no non-circular way to make sense of this idea. The reality is that retributive punishment doesn't benefit victims; harm to one person does not as such *constitute* a genuine benefit to someone else in any way. No matter how much you've hurt me, I'm not objectively better off because you've been harmed, by me or by the state. The idea of deterrence rests on a mistake. It's also troubling because it seems to trade on a basic hostility and desire for revenge.

Deterrence Turns People into Objects

Deterrence doesn't provide a very credible justification for the criminal justice system either. Punishing a person for doing something is warranted on deterrent grounds if the act of punishing her makes others less likely to do the same thing. The idea behind deterrence is, in effect, to make an example of the person being punished.

Undoubtedly, it's a good thing if people are encouraged not to engage in conduct that actually harms others. But deterrence treats people as things, as objects to be manipulated, as means to the ends of others rather than ends-in-themselves. It violates what I think of, at least, as a foundational moral principle, that it's never OK to harm someone else purposefully or instrumentally. (That doesn't rule out harming someone in the course of defending yourself or someone else; but in this case the harm done to the attacker isn't the point—it's just a by-product of your defensive action.) For the whole point of deter-

rence is to harm the purported offender *for the purpose* of discouraging others from emulating her behavior.

Deterrence also seems morally troubling for other reasons. For instance, if deterring serious harms really were an independent justification for using force, it might be acceptable to impose horrible penalties for minor harms if doing so seemed likely to prevent their repetition. Similarly, it might be acceptable to frame and even execute people known to be innocent in order to prevent future harms. If we believe doing these sorts of things is unreasonable, we have good reason to reject deterrence as an independent source of justification for using force, since, if it were such a source of justification, these kinds of choices would be acceptable.

Rehabilitation Gives the State Frightening Power

The state's exercise of power over people through the criminal justice system is often also justified as a means of rehabilitating them. Again, this is an after-the-fact justification: imprisonment had been around for a long time before state officials took the idea of rehabilitation seriously. But if people are going to be imprisoned anyway, doubtless it's a good idea (from the standpoint of the state) to have a modern-sounding reason for incarcerating them.

The idea of rehabilitation is surely, in principle, a good one: it would be nice if people who didn't care about others' interests changed their attitudes and their behavior in positive ways. But giving the state responsibility for rehabilitating people is very troubling. First, it gives the state the authority to decide what kinds of character traits need to be eliminated or encouraged. Thus, it injects the state into a highly contentious area of debate within any society and expects it to exercise a level of competence of which it's not really capable. Second, it gives the state enormous power over individuals—not only power to regulate their conduct, which is bad enough, but power to regulate their characters and personalities. Third, it gives the state this power without any clearly defined limit. Just what is a satisfactory level of rehabilitation? How long does it take for the right kind of rehabilitation to occur? Who's to say that someone is suitably rehabilitated? There are no objective standards on which everyone can agree, and the person to be rehabilitated can thus be entrusted indefinitely to the merciful care of the state.

The profound inadequacy of the existing criminal justice system has led some people to argue that what's needed is a system of justice that is *restorative*. Restorative justice systems focus not only on restitution but also on reconciliation between offender and victim and on the reintegration of offenders into their communities. Restorative justice systems are extremely promising as al-

ternatives to approaches grounded in retribution and deterrence. I suspect that restorative mechanisms would be available in tandem with systems ensuring restitution in many communities in a stateless society. But there is arguably something troubling about using the coercive authority of the state to foster restoration: state-mandated reconciliation is likely to feel awkward, and perhaps to create significant physical and emotional risks for victims and offenders. Restorative justice makes sense, but not as a justification for the state's criminal justice system.

Some People Need to Be Restrained

Obviously, some conduct really does harm other people. Some of the time, those who engage in such conduct pose real, ongoing threats to others. And the legal system needs to protect us against these threats. It needs to restrain habitually violent people.

This doesn't, of course, mean that anything goes. It's never reasonable to do more harm than necessary. And, if this is so, then there's no justification, for instance, for using lethal force against someone who poses a genuine threat to others but who can be safely and economically restrained. But some kinds of restraints seem to make sense for some kinds of people. This doesn't, however, provide any justification for the state's criminal justice system, or, indeed, for any justice system significantly different from the civil justice system provided by tort and contract law. A range of injunctive and other remedies could restrain persistently violent people. It's possible to keep such people from harming others without the criminal justice system and, indeed, without the whole idea of *crime*—understood as something other than a real harm done to a real person who actually views it *as* harmful.

Status and Privilege Increase the Risk of Police Violence

Increasing varieties of conduct now fall under the umbrella of the state's criminal law. That means there are more criminal laws to be enforced and more people likely to violate them. And that means, in turn, that the state needs more enforcers. So it's no surprise that police forces have grown during the last century, that their budgets and mandates have expanded, or that they've acquired faster, more powerful, more frightening tools and toys.

Since it can impose penalties for almost any conduct at all, the criminal law is a source of almost unlimited state power. So police forces can be dangerous simply because they are charged with enforcing the criminal law. But they're also dangerous because, as enforcers, they're invested with the opera-

tional authority to use state-monopolized violence in the interests of maintaining whatever sort of order the state's masters see as desirable. Obviously, police forces contain many conscientious, well-intentioned people. But the role police officers are asked to play makes it difficult for them to be anything other than supporters of the *status quo*, and the tools, opportunities, and privileges they are given make it easy for some, unfortunately, to use force aggressively.

The internal cultures of many police departments reward officers for ignoring constraints on their behavior and demonstrating their machismo through violence. For instance: it was recently alleged that London police officers waterboarded prisoners—to obtain information in a marijuana case (notice: torture is frequently justified with reference to horrific ticking bomb cases, but, once it's excused, it apparently becomes routine).[24] Police officers in Virginia arrested a woman for blogging about their activities, citing a statute that made it a crime (!) to publicly identify a police officer for the purpose of harassment.[25]

Cops in Texas burst into a home, unannounced and armed, on the basis of an unsubstantiated and suspicious tip to the effect that the home contained marijuana. When the homeowner tried to defend himself against hooligans he didn't know were police officers, they shot him. And their search turned up no drugs at all. A New York cop beat up and handcuffed a drunken, middle-aged woman who'd stumbled against him.

Elsewhere in New York, officers beat two lesbians who were not suspected of any crime—simply because they'd shown up at the scene of an incident as the cops were dispersing bystanders—all the while screaming epithets. Pennsylvania cops beat and maced a thirteen-year-old boy because he walked away from them while trying to explain on a cell phone to his father that his mother had been involved in a car accident. An Arizona cop arrested a man for jaywalking and urinating in public before handcuffing him, beating his head against the hood of a car, and slamming him into a chain-link fence. Some twenty-four cops chased and beat a man who was purportedly guilty of the outrageous offense of "riding a minibike with no helmet and without a license." By the time this outrageous incident was over, fourteen people had been arrested for such crimes as trying to find out what was going on and refusing to allow officers into a home without a warrant. When people began filming the police abuse using cell phones, they were beaten up and their cell phones were stolen by the police.

These recent stories of out-of-control violence are not stories about "bad apples." That's the way apologists for the state and for its police forces like to frame things. But the basic problems are systemic. They result from giving po-

lice officers relatively unfettered power to use force and from the culture of violence that pervades many police departments.

Suppose you're driving somewhere, and notice a police cruiser in your mirror. Suppose it stays behind you as make multiple turns. Are you likely to feel relieved that you're the beneficiary of special protection from the heroes responsible for keeping us safe? Or do your stomach muscles tighten as you look nervously—while trying not to call attention to yourself—for a way to escape? When you read a news story about a cop who reacts angrily or even violently to being filmed, are you surprised? When the commentator on TV defending the need for greater police powers assures you that *you* will have nothing to worry about when cameras are installed everywhere, do you wonder what cops think *they* have to worry about?

Perhaps they know on some level that the disconnect between cops and the people they're supposed to serve is continuing to grow. As the recent, controversial, arrest of Harvard professor Henry Louis "Skip" Gates highlights, many police officers, even decent, responsible ones, seem to enjoy a sense of entitlement, a perception that it's acceptable for them to use force when it wouldn't be OK for anyone else to do so. Too many cops seem to believe that they have every right to harass, arrest, or beat people they don't see as sufficiently deferential. And it's probably not too surprising that they're inclined to react this way: they're servants of the state, and the existence and authority of the state are premised on the notion that some people are more equal than others, that some people are entitled to privileges that others are not—and that it's OK for them to use force to maintain those privileges.

Throughout the United States, the federal government is increasingly using the funding and other relationships it has built over the last several decades to militarize ordinary police patrol responsibilities—notably by providing officers with higher-end military weapons and, implicitly, encouraging them to use these weapons. It seems that the police officers whose violent behavior should already be giving us cause for alarm are now being prepped to play ever-more-important roles in maintaining the state's power in the face of the civil unrest state officials are clearly anticipating.

In a stateless society, people obviously might need to defend themselves against violence. And neighborhood volunteers or security professionals might help. But no person and no protective association would be immune from responsibility for wrongly harming anyone, even in the course of dealing with unjust violence. No one would get a free pass as an agent of the state.

Many of the incidents I've just described occurred when police officers were called to assist people or resolve disputes. In a world dominated by the

state, safety services are quasi-monopolistic. People often get in trouble for defending themselves, and that means they're often not free to ask people other than government police officers to defend them. People other than police officers are unlikely to want to get involved in potentially violent situations, not only because they might not feel comfortable handling violence themselves but also because they might themselves be the targets of *police* violence if police officers arrive and regard them as part of the problem rather than the solution. When you call state-employed police officers to resolve a problem, you often have, effectively, no choice but to rely on a fixed group of officers from a single police agency.

In a stateless society, of course, no volunteer group or professional association would be privileged in this way. And this means that groups that did respond to situations with excessive force, that behaved in out-of-control ways, would be unlikely to receive repeat calls. People would have *choices*; and people wouldn't likely want to pay for the repeated services of professional safety workers who engaged in violence and abuse.

Compensation policies affecting police officers could also contribute to misbehavior on their part. Officers may be paid the same amount whether they are pursuing violent murders or attacking people who choose not to wear helmets while riding mini-bikes. It's easy to imagine that, in a tort-based system, compensation for a security worker might come from the damage award paid by or on behalf of someone responsible for an injury whose provision of compensation for the injury was ensured by the worker. But when, as in the case of the man on the minibike, no one was injured, there would be no damage award, and so no pool of money from which to compensate security workers who apprehended him. There would thus be no incentive for security workers to pursue him—much less to beat him and multiple bystanders.

Without state immunization of police officers against liability for their abuses, without a state monopoly on security services, and without the criminal law's creation of incentives for police officers to waste time attending to actions not causing compensable harms, people inclined to act abusively and violently would rapidly be weeded out and groups of people responsible for the safety of others would be much more careful about who was given responsibility to use force and how force was to be used. By contrast, the state finds it easy to safeguard those who maintain its power against responsibility even for horrendous acts of violence and to impose limited sanctions on many of those who are held accountable for abuses. This is both, I suspect, because state officials judge that they need those who engage in violence on their behalf to have a relatively free hand in order to perform effectively and because some state officials likely welcome the fear

their tolerance of this kind of behavior fosters in subject populations. Ending police violence means ending the special privileges police officers enjoy as agents of the state.

And here we come back to the state as the root of the problem again. Because police agencies, the agencies that train and equip and direct the cops, are state agencies. And that means they're protected under the legal doctrine of "sovereign immunity." The persistence of this doctrine provides more evidence that the modern, democratic state is somehow supposed to step into the place of the king. It's a doctrine that began with the assumption that law was the king's and that the king therefore could do no wrong. If the king could do no wrong, of course, then on what basis could anyone claim that the king was responsible for any sort of compensable harm? There aren't that many kings around any more, and in most societies in which there are kings, the kings are figure-heads, not absolute rulers beyond the reach of the law. But now states and their subdivisions are treated just like the king.

Governments sometimes graciously consent to let people sue them. But there are limits, especially limits on money damages. And the law often makes it hard to show either that a police officer or other state official acted unacceptably or that the agency supervising the official should have been more careful. Thus, governments and their agencies are protected against real legal liability much of the time.

To make things worse, when they do have to pay damages, they can charge the public, since damage claims are ordinarily covered by insurance policies paid for using funds taken from ordinary people at gun-point. It doesn't seem very fair to ask that those who already pay tribute to the state foot the bill when state officials engage in abusive conduct. In a stateless society, individuals and groups who harmed others while providing protective services couldn't pass the buck to others. *They* would have to shoulder the costs of the abuses in which they engaged. It's not hard to imagine that they would be much better behaved as a result.

The Return of Prohibition

An especially clear example of the kind of abuse the existence of the criminal law makes possible is the War on Drugs.

If they remember it at all, most Americans recall Prohibition as a kind of joke, with alcohol widely available on a "wink-wink, nudge-nudge" basis. Certainly, respectable Americans didn't take it very seriously: even Earl Warren, very much a straight arrow (as state Attorney General, he led efforts to shut down

gambling off the coast of California, for instance), returned home from his work as Alameda County's Prohibition-era District Attorney to enjoy a glass of whiskey. But it nonetheless provided the opportunity for the state to spend an enormous amount of money and threaten and imprison non-violent people. It also spurred the violence of organized thugs and boosted the national murder rate. It's not surprising that most Americans were glad to see Prohibition go.

The Cost of the Drug War

But the same mentality is very much in evidence today, as politicians spend unbelievable sums attacking the consumption of other substances of which some of their constituents disapprove and packing vast numbers of people off to prison, frequently for lengthy periods. The US government spent $15 billion on the War on Drugs in 2010. At the time I wrote this paragraph, in January 2011, national, state, and local agencies in the United States had *already* spent almost $6 billion dollars on the failed drug war in the new year, and over 125,000 people had already been arrested for drug offenses;. Of those people, 64,519 were arrested for violating laws related to marijuana—the vast majority simply for possessing cannabis products. In the United States, someone is arrested for violating drug laws about every nineteen seconds.[26]

In 2005, over a fifth of the people in state prisons and more than half of those in federal prisons were incarcerated for drug offenses.[27] More than twenty-five percent of black and Latino prison inmates are doing time for drug-related activities.[28]

The Arbitrariness of the Drug War

There's certainly room for disagreement about the extent to which various substances are harmful. It is clear, however, that the prohibition of harmful substances is anything but uniform and consistent—consuming high-fat products seems to kill many Americans, but there is little pressure for a violent War on Fatty Foods leading to the imprisonment of the people who buy and sell milk shakes and French Fries. It is equally clear that, whatever remedies might be appropriate for any of the harms associated with the sale and consumption of currently illegal drugs, prison terms, which destroy people's lives and blot their records, are abusively unjust responses to non-violent behavior.

The Drug War as a Creature of the State

It is also clear that nothing of this kind would occur absent the state. Without the state, there would in the vast majority of cases be no one interested in

suing for damages as a result of a voluntary drug transaction. The state, by contrast, need not be concerned about showing damages in order to use its illegitimate power to arrest and imprison people, and it can fund its expanding drug war by extracting the needed funds from unwilling taxpayers.

The possession and sale of drugs wouldn't be criminalized without the action of the state (nor, of course, would anything else). There would also likely be far fewer acts of violence associated with drug transactions were such transactions not criminalized. Because their disputes concern illegal transactions, people lack access to the legal system to resolve these disputes. And the fact that their transactions are already illegal is likely to make them more willing to resort to violence—one might as well be hanged for a sheep as for a lamb.

In addition, the illegal character of drug transactions means that these transactions are conducted largely in secret. Because they are, those who participate in them are more likely to engage in fraud, theft, and violence than they would be if drug sales took place in the open, since public scrutiny tends to reduce aggressive behavior, even apart from the fear of legal sanction. Further, because the state makes drug sales illegal, drug transactions are much more costly than they would be otherwise. One result of the high cost of the drug trade is that there are fewer drug sellers than there would be without the state's involvement. Sellers can thus charge very high prices and earn far more for the products they sell than they would if more sellers were involved. Because large amounts of money are therefore involved in many drug transactions, sellers may be more inclined to use violence to protect their possessions or to steal from others than they would be if potential gains were lower. Finally, the costly nature of drug prices makes it harder for those who want to purchase drugs to do so, and therefore makes it more likely that they will see no way of purchasing these drugs apart from fraud or robbery.

There's at least one more disturbing way in which the drug war is a creature of the state: even while attacking the private sale and consumption of substances like cocaine and heroin, the state encourages the drug business. For instance, as journalist Gary Webb showed in exhaustive detail, the US government's Central Intelligence Agency facilitated the shipment of drugs to Los Angeles and their subsequent sale in order to make it easier for the Nicaraguan *contras* to obtain funding (since direct US government funding had been prohibited by Congress). Similarly, some observers have maintained that the CIA assisted Afghan drug lords and facilitated the transportation of opium from Afghanistan on their behalf in exchange for their aid in fighting the Russian occupation of their country. Comparable claims have been made regarding CIA support for drug lords—purportedly valued allies—in Afghanistan today. The

continued use of state power against sellers and consumers of drugs is especially troubling, given that state actors may well be deliberately involved in propping up the drug business.

Innocent Victims

The human costs imposed by the drug war on people buying and selling drugs are enormous. Even people not involved in the drug business can easily become victims. The authorities provide incentives for people to finger others as drug suppliers. Even when evidence is limited or apparently non-existent, someone may be convicted and sentenced to prison on the basis of an informant's testimony. Civil forfeiture laws allow government agencies to seize and sell possessions supposedly used for or acquired with the proceeds of a criminal conspiracy. What's worse, they can do so without criminal convictions—or even criminal charges. When someone's possessions are seized under a forfeiture statute, the law places the burden on *her* to persuade the state to give them back by showing that they were not used in the commission of a crime. Thus, a law enforcement agency has a powerful incentive to allege that someone has sold, or has conspired to sell, drugs; it it does, forfeiture legislation can authorize the agency to take her possessions for its own use or for sale.

In addition, the disregard for personal freedom and dignity reflected in the operation of the drug war itself, the sense that law enforcement officers can do whatever they need to do in the course of performing their state-assigned tasks, and the culture of violence that obtains in many police agencies all make it unsurprising that people who aren't even involved in buying or selling drugs get hurt as the state tries to enforce its drug laws.

For instance: the members of a SWAT team apparently didn't realize that the house they were assaulting wasn't the one mentioned in the warrant that purportedly authorized their actions; that didn't stop them from shooting and killing sixty-four-year-old John Adams as he sat in front of his television. The US government provided inaccurate information to Peru's air force that led to the downing of a plane carrying missionaries and to the death of a thirty-five-year old Baptist missionary and her seven-month-old daughter. A forty-three-year-old man with no weapons in his hand begged for his life as he was shot by men who began chasing him and from whom he, understandably, fled; while he may have thought these men in street clothes were ordinary thugs, they were—you guessed it—drug cops trying to serve a warrant on someone else. A man turned up at a house to pay a $20 debt; he never left—because he was shot in the head by an officer during a SWAT team raid on the house that happened

to take place while he was there. An eighty-four-year-old woman was accidentally shot in her bed by police officers during a drug raid.[29]

Even when the casualties are less terrible, the War on Drugs is destructive. It ruins people's lives. It threatens everyone's freedom—in this sense, everyone is among its victims. It wouldn't happen without the state, and its continued awfulness is another reason for us to move toward life without the state as quickly as possible.

The State in the Bedroom

The fact that criminal liability doesn't depend on anyone's demonstrating the occurrence or extent of the harm the defendant has caused makes it easy for the state to try to regulate people's sexual behavior. Controlling other people's sex lives doesn't cost the would-be regulators much, because they can force the public to pay for it through taxation; the impact of the rules is felt by a sufficiently limited number of people and the cost of enforcing them is minor when compared to the overall tax burden, so it's easy for those who want to impose such rules to do so.

People's sexual needs and desires vary quite dramatically. Things that may be harmful to some people may not be for others. And even if a person actually does harm her- or himself by making a foolish choice, it doesn't follow that it's reasonable for anyone else to subject her or him to legal penalties for it: anyone who wants enough freedom to make mistakes herself should extend the same freedom to others.

But, for multiple reasons, some people have very rigid ideas about what other people's sex lives should be like. Sometimes, these ideas are rooted in religious traditions. Sometimes they depend on philosophical views. And sometimes they reflect visceral emotional responses that may lack independent justification. In any case, they tend to be very deep-seated. And those who hold them really seem to believe that the world will collapse if other people's consensual sexual relationships are allowed to proceed unchecked.

One of the strangest ways in which this sort of fear seems to manifest itself is in some people's belief that different-sex marriages will be threatened if same-sex marriages become widely accepted. I've never understood what the threat is supposed to amount to. Are people afraid that more different-sex couples will break up if same-sex marriage is treated as OK? That different-sex marriages won't feel as special if a slightly greater number of people can marry? That their decision to have children in the context of marriage won't mean as much if same-sex couples, who can't have children (just like sterile different-

sex couples, whose right to marry is never questioned) are able to marry? (Obviously, the state shouldn't be in the marriage business at all; but if it is, it has no business at all being discriminatory.)

In any case, whatever the basis for this visceral distaste for other people's practices which some people seem to nourish, they're able to use the state to enforce their prejudices. Virginia, West Virginia, Florida, Michigan, Mississippi and North Dakota all treat cohabitation by unmarried people as a criminal offense. Some states impose criminal liability for the possession of sex toys.[30] Two straight Florida teenagers engaged in consensual sex and shared photos of their encounter with each other; as a result, both were classified as sex offenders.[31] Not so long ago, depending on where the transaction took place, you could go to jail for buying contraceptives in the US. Until very recently, a number of US states criminalized same-sex sex.

And the US government's military (the same military whose personnel engaged in highly sexualized acts of torture in Iraq[32]) still criminalizes a number of consensual sexual practices. Members of the Senate and the House of Representatives who approve successive versions of the Uniform Code of Military Justice would doubtless encounter serious political difficulties if they imposed criminal penalties on ordinary people for the sexual conduct the UCMJ criminalizes. But by imposing these penalties on military personnel, they can signal their support for purportedly traditional values and bask in their own self-righteousness with minimal political or personal cost.

The state invades people's sexual freedom. And the existence of the state—with its capacity to criminalize behavior even if no one regards her- or himself as victimized by it and even if no purported victim is willing or able to demonstrate the occurrence or extent of actual harm—makes the criminalization of consensual sexual relationships possible. The state forces everyone to bear the cost of satisfying some people's unreasonable desire to regulate the sex lives of others. If you value the opportunity to explore and channel your own sexuality, you have another reason to oppose the state.

The State Abuses Kids

The state is persistently hostile to the freedom of children.

You'd never know that if you just listened to the sanctimonious rhetoric of politicians. They're fond of nauseatingly repeating the mantra that, "It's all about the kids." Think about the frequency with which "a brighter future for our children" serves as the rationalization for some new piece of political idiocy.

But take a look at what the state actually does.

Among the most troubling ways in which it makes this clear is by lending its forcible support to parents interested in keeping children under their control. Children who don't want to live with their parents can be forced to do so: they can be dragged home by the police, deposited in homes they want to escape. And the law is perfectly willing to support parents who use their state-granted authority to insist that children participate in sadistic behavior modification programs designed to make them more pliable—at the cost of their individuality and freedom. It's even willing to back up parents who kidnap children and subject them to "deprogramming" efforts because they've entered religious communities their parents don't like. Too often, the state treats kids as their parents' property.

Of course, it's not just its support for unreasonable parental authority that often casts the state as an opponent of children's freedom. Think about rules—like the one I mentioned earlier—that treat teenagers as incapable of controlling their own sexuality. Or about local curfew ordinances that deny people access to the state's own spaces at certain times—just because of their ages.

If the state declined to weigh in against them, kids might at least have more of a chance to develop freely and creatively. If you value their freedom, if you believe they deserve to be respected as the unique individuals they are, say *no* to the state.

The Hungry State

The state's assaults on personal freedom never end. It's insatiable.

The momentum of the state's development makes it hard to reverse the growth of its power. Once it's claimed the authority to do something, it's unlikely to relinquish that authority. It's harder to overturn an existing law or regulation than to enact a new one: to keep a law or regulation in place (absent a sunset clause), legislators or regulators need only choose to do nothing. So the state's existing array of powers is almost always the starting-point for any discussion about what policies should be adopted. The state may expand; but it will hardly ever grow smaller.

So the insatiable state claims more and more power.

For instance: as I write, the US Congress is continuing to consider the implementation of a national ID card system. The first mandate for such a system, embodied in the so-called REAL ID Act, was opposed by a wide array of wisely anti-state groups. In its place, the government is proposing a similar system, now (clumsily) labeled PASS ID (unpleasantly suggestive of authoritarian

regimes' internal passport systems) and featuring many, though not all, of the dubious features of REAL ID.

For years, the government has encouraged the use of people's Social Security numbers for identification purposes, allowing state officials to track people's movements and financial transactions. During the Bush era, paranoid security freaks and controlling authoritarians joined forces to increase the state's ability to monitor and oversee.

Among their most memorable accomplishments was the transformation of the American airport from an outpost of purgatory into (at least) the eighth circle of hell. Heightened security measures slow down transit, subject people to humiliating searches, treat airline passengers as terrorism suspects, and deny friends opportunities to share the tedium and boredom of the pre-boarding process with passengers.

The events of 9/11 provided the excuse for national officials to implement plans for security clamp-downs that had obviously been in the works for years. Even as US government during the Clinton years attacked nonconformist and anti-government groups like the Branch Davidians at Waco and the family of Randy Weaver at Ruby Ridge, it was also readying the Anti-Terrorism and Effective Death Penalty Act, which foreshadowed the Bush Administration's security measures.

As long as there's a state, state officials will seek more power.

If You Care about Freedom, Reject the State

Whether the issue is free speech, privacy, sex, the drug war, or police violence, the state is the enemy of personal freedom. The state keeps seeking more power. It keeps finding new ways to limit people's opportunities to make decisions about their own lives. It gives Puritans cheap ways to regulate other people's behavior, and it gives its own agents open-ended licenses to use violence against ordinary people. As long as there's a state, personal freedom will be in serious danger.

SIX

Where Do We Go from Here?

THE PROBLEM WITH THE state isn't a bad politician here or there. It's not just the Republicans. It's not just the Democrats. (It's not limited to any party in any country.) The problem is the state. It creates opportunities for plunder and abuse that are enormously attractive to anyone with the potential capacity to use it to exploit others.

The people at the helm of the state will predictably tend to be bad people. Politicians and senior appointed officials aren't representative members of the population. Becoming a successful politician is a lot easier if you've got a particular character type—if you're ambitious, smooth, and willing to compromise your principles (or if you've conveniently forgotten to have any). The political process—any political process that gives people access to power—rewards bad behavior.

A commitment to principle is likely to be far less influential on the behavior of elected and appointed office-holders than the tendency to compromise, to seek power, to be ambitious at all costs, to become part of the elite (or, if one is already a member, to consolidate one's position), to reward one's elite backers. It's probably not surprising that Jim Kouri, a vice president of the National Association of Police Chiefs, has suggested that professional politicians exhibit many of the same characteristics as known psychopaths.[33]

While there are certainly idealistic state officials, the state primarily serves the political and financial elites who employ the political means of gaining wealth. The state provides the elite with an irreplaceable means of access to wealth and power. If current office-holders are replaced by new ones, the power of the state will prove too tempting for many of them to resist.

Good people who do find themselves in positions of power will be severely tempted to become not-so-good people. Almost every elected official needs

the support of the wealthy and the powerful to win an election. And once someone has been elected, she or he becomes the target of intensive lobbying by special interests—who can always focus much more time, energy, and money on office-holders than ordinary people can. Powerful interests can offer not only campaign contributions (and outright bribes) but influence that makes them invaluable to politicians.

Even when state officials actually *want* to make good decisions, they lack—any central authority would lack—the information needed to make those decisions, the information distributed throughout the entire population. State functionaries who have become emotionally invested in their positions and who do not wish to confront the cognitive dissonance that would be created if those positions were seen to be pointless will do their best to resist attempts to delegitimize the state or to argue that its power should be reduced. Momentum will continue to drive the state toward the acquisition of more and more power. And the media promote deference to military, intelligence, and police agencies and valorize authoritarian behavior and political power.

At the national level, the imperial presidency grows with support from across the mainstream political spectrum. At all levels of government, there's growing confidence in unaccountable, expert managers. And state power tends to feed itself. Once an entity has power, it's not very likely to surrender that power. Governments don't divest themselves of authority; they keep accumulating it. Elected officials and bureaucrats will almost always find it easier to retain power, even power they've argued shouldn't be exercised by "bad guys," than to give it up. For instance: it was no surprise, sadly, when the Obama administration argued enthusiastically in favor of the state secrets privilege Democrats had sharply criticized the Bush administration for invoking. The problem isn't that this or that group of people is running the state. The problem is the state.

The exercise of that kind of power is not only corrupting to those who use it but also inherently frightening—the state claims to hold, and seeks to exercise, the power of life and death over people, the power to claim their possessions at will, to imprison them, to enslave them. The state is not accidentally but essentially opposed to human freedom. And so people who seek human liberation have every reason to envision and incarnate real alternatives to the state. State actors can easily be corrupted by special interests. State power makes it easy for people to pursue their own agendas, often under the color of law, in ways that are very difficult for ordinary people to discover and challenge. Because the state has so much power, even well-intentioned errors can have awful consequences. And mischief coordinated among the elites who direct the course

of the state—mischief like war—can be devastating for entire societies. The state is dangerous.

Attempts to reform and reorient the state don't hold much promise. Electing or appointing (how?) more decent, honest, fair compassionate people to office wouldn't eliminate the problems I've described here. The good news, though, is that ordinary people can craft and maintain effective ways of living together and solving human problems in the state's absence.

I am convinced that life without the state will provide lots of opportunities for diverse cultural forms and ideological convictions to come to expression. And I suspect that the most effective ways to move beyond the state may involve practical experiments in doing without it right now.

The Shape of Living Statelessly

Anarchists often spend a lot of time imagining what life might be like without the state. I confess that I don't know. I don't have a plan, and, if I did, I wouldn't want to impose it on everyone else. The good news, perhaps the best news, about anarchy is that there are more ways than you or I or anyone else can imagine to organize communities and solve problems. That's why I favor what is sometimes called "panarchy" or "anarchy without adjectives." A stateless society ought to be hospitable to primitivists and technophiles and transhumanists, proponents of markets and enthusiastic supporters of gift economies, atheists and fundamentalists, advocates of both individual and communal ownership, localists and cosmopolitans. Decent voluntary communities and networks (and, of course, just as is true today, decency won't be universal) will help people resolve disputes, protect people—especially vulnerable people—and animals against violence and injustice, insure people against risk, and help to safeguard them from the effects of economic insecurity.

The state tends to crowd out alternatives, making people dependent by default on the services it provides. The stronger state power grows, the more a vigorous network of social service providers outside the state may tend to atrophy. However, there's a strong tradition of mutual aid that provides good evidence that people *can* take care of each other without the state's involvement.

Of course, the fact that they can doesn't tell us how services will be delivered and supported, what priorities it makes sense to adopt, and how tasks will be allocated among the different, overlapping communities, networks, and associations with which people are affiliated. The "how" will doubtless different significantly from setting to setting. Different approaches will reflect the creative, experimental process of discovery and invention that anarchy will make possible.

Kinds of Communities

There will likely be all sorts of communities in a stateless society. No doubt some of them will be geographic: it will be easier for people to manage some kinds of tasks by working together with people who live and work near where they do—a voluntary association of people operating a community hospital, for instance, will likely be made up in general of people who are geographically proximate. After all, moving patients and health care providers takes time and uses resources, and people presumably like to be able to take advantage of hospital care quickly and efficiently. Of course, there will be no state to insist that anyone living in a given geographic area join a particular community association or to enforce any such association's demand for tribute. And there won't be border guards and passport offices to keep people from moving from geographic region to geographic region, and so from affiliating with different geographically based communities.

At the same time, of course, many communities probably won't be geographically based. For instance: something like the ancient *lex mercatoria* might be expected to govern certain kinds of economic transactions. People interested in taking advantage of a consistent set of rules for such transactions might belong to virtual communities, linked by the Internet and built on interlocking trust networks, that connected them with each other as they moved among and worked in diverse geographic regions. These voluntary virtual communities might well offer dispute resolution services grounded in principles widely shared among their members. Membership in such communities might make it easier for people to establish trust-based relationships with others. And members who exploited other members' trust would soon find themselves without the benefits of membership.

People of all sorts who are willing to live peacefully, to allow members of their own communities opportunities for exit and voice, can contribute creatively to the ongoing process of experimentation and discovery that will enable a stateless society to flourish. Not all communities will work well—some, indeed, may be dysfunctional and even destructive. And many will doubtless be committed to visions of the good life that are quite different from mine. That's OK.

Who will decide what life looks like under anarchy? *We* will, all of us, through the innumerable decisions we make in communities, workplaces, associations, and spontaneous gatherings (in all of these cases, geographically localized and virtual alike). What will the plan, the system, the dominant norms look like? There won't be any. There will just be the diverse plans and systems

and norms created and maintained by genuinely free people in a dizzying array of environments and following an unbelievable wealth of patterns.

Anarchy as a Discovery Process

I've got fairly strong convictions about how I'd like to see things work without the state. Some of my convictions are moral—I think some things would be unjust and exploitative and subordinate and exclusive. Some of them are practical, empirical—I think authoritarian bureaucracies aren't very adept at managing the production and distribution of goods and services. I wouldn't hold those convictions if I didn't think they were plausible. But I recognize that I might be dead wrong about any number of them.

Indeed, that's one reason I find anarchism appealing. Without a little cognitive humility, it's easy to assume that I've got a model, a plan, that's just right for everyone, that all I need is the right sort of benevolent philosopher-queen to implement it. But of course it's that kind of naïve idealism about the capacities of states and the motivations of state actors that's gotten us into the mess we're in now, the mess in which the state tyranizzes us—supposedly for our own good.

Embracing cognitive humility, recognizing that I might well be dead wrong, is a crucial reason not to support some kind of cookie-cutter standard to be imposed across the board on communities in a stateless society. Anarchy will give people the freedom to experiment, to figure out what works, to test ideas and ideologies and figure out what happens when they're actually put into practice. Some options will work well—people will improve on and refine them. Others will likely be disastrous—people will abandon them with relief. And others will likely prove stable enough that people who are attached to them will preserve them, and muddle through. The point is that, only by trying them out will people really discover effectively just how much merit they really have. (One advantageous feature of this kind of experimentation is that, if it goes badly wrong, the results won't, can't, be as catastrophic as they would be if a massive, powerful state apparatus messed things up dramatically. A large-scale, coercive state can do far more harm than a voluntary, small-scale, virtual or geographic community.)

Varieties of Stateless Goodness

That doesn't mean that all options are equally OK, or that the notion that we can make sound judgments about what's right and wrong, good and bad, just goes out the window. Being an anarchist doesn't commit you to being a relativist or a nihilist. But there are all sorts of ways of being flourishingly human. Viable human life doesn't require that we all follow the same cultural patterns,

endorse the same mores, inculcate the same folk-ways in the next generation. Some people, for instance, thrive in bustling, cosmopolitan environments, while others prefer the stability and familiarity of relatively self-contained communities. As long as no one in a given community is coerced into conforming, enslaved, prevented from leaving, as long as everyone is treated decently and respectfully, there's no good reason for anyone else to object to the existence or operation of that community. Individuals and networks in a stateless society can and should help others who are trying to escape slavery, flee abuse, or overthrow tyranny. They can and should challenge cultural patterns and communal institutions that oppress and exclude. But that won't mean that anarchist busybodies will spend their time trying to remake other people's communities so they look like their own.

Practically, people will lack the time, energy, and resources to engage in do-gooding campaigns at the drop of a hat. And mutual tolerance among members of different voluntary communities and networks (within limits—it may not always be efficient or required for people to actively intervene in unjust situations, but real injustice can never be treated as trivial) is obviously crucial to avoid constant conflict. Morally, respect for others' freedom and dignity will create a presumption (even if not an indefeasible one) against attempting to reshape their way of life. And the widespread shared benefits of leaving different groups of people free to explore different voluntary strategies for living well will give everyone a reason to let the process of discovery within multiple communities continue.

The Power of Example

As a general rule, people learn most effectively not by being lectured to but by seeing and experiencing for themselves. If I participate in the life of a particular community, I will benefit, certainly, from the ongoing discovery in that community of what works and what doesn't. But I also recognize that the success of my community will make it easier to share ideals that matter to me with others—seeing those ideals on display, they will be more likely to acknowledge their value and to respect my community and the way it works.

In turn, that also means that communities that—peaceably, voluntarily—explore ideals dramatically different from, even diametrically opposed to, mine do me and everyone else a favor. If they work, they challenge me to discover new human possibilities I'd been inclined to ignore. And they help me to remember that I am not at the center of the universe, that everything is not always as I perceive it, that things are not always as I expect them to be. They contribute to the ongoing process of liberating me from my preconceptions, from my unwillingness to be surprised. On the other hand, obviously, if they don't work, that helps,

too. They provide a clear demonstration that the kinds of ideals I care about make some sense, deserve some thoughtful consideration. They extend the conversation, and deepen human understanding, even if they fail.

Instead of a How-To Manual

Anarchy is ours to create. So how do we get started?

Different kinds of anarchists will be inclined to chart very different courses toward anarchy. Despite what you might have concluded by now, I'm not really a doctrinaire ideologue. I think there's merit in lots of different strategies. I think a lot of them are complementary. And I think most of them are worth exploring.

One of the basic convictions underlying anarchism, I've realized while writing this book, is that people are wonderfully, gloriously, startlingly diverse. There's no one-size-fits-all approach to working for anarchy. First, I have no illusion that most of the people who read this book and find what I've said convincing have any obligation to focus on deliberately pursuing the emergence of a stateless society. People have different goals, commitments, concerns, interests, responsibilities, and passions. That's OK. And, second, even for someone who does make political activism a priority, there is no single right strategy to pursue. That's true because the free choices of other people always render the outcomes of our actions uncertain. It's true because, even if no one had the capacity for free choice, there would be no way to tell just what the results of pursuing a given course of individual action would be. It's also true because there are many different valuable goals, and many different reasonable ways of realizing those goals; in general, it doesn't make much sense to say that one morally good choice brings about "more good" overall than another.

So I have no mandate for anyone—except: recognize the value in what other people are doing, even if it's not what you might be inclined to want to do yourself. Various strategies are likely to be successful in different environments. Experiment, see what works, and listen to what other people have to say.

Start Freeing Your Mind

It's tough to free other people when you're not free yourself. It's too easy to get caught up in unloading your own emotional baggage or to become a humorless, self-righteous crusader—the mirror image of the statist authority figure you'd like to leave in the dust. Take the time to figure out how structures of authority and domination are replicated—not just at gunpoint but in families, schools, and religious congregations, and, indeed, in your own mind and heart. Are past authority figures—teachers, parents, pastors, bosses—still running your

life from inside your head? Are you still engaged in angry, repressed conflicts with people who aren't really present? How much importance do irrational guilt and fear play in your life?[34]

Go to work on these questions with yourself, with trusted friends, perhaps with a therapist or spiritual guide. Make sure you're ready to offer other people genuine freedom—rather than trying to impose your own ideological rigidity and to validate your own beliefs by making converts—when you talk with them about the appeal of a stateless society.

Work on freeing yourself from anger and resentment, too. You'll burn yourself out, turn other people off, and run the risk of making unwise, even destructive decisions if your activism flows from negative emotions. People will be attracted to your cause, you'll find energy and inspiration to keep working for that cause, and you'll be more likely to help take that cause in useful directions if your commitment to a free society reflects genuine love for other people and for yourself.

Build Liberating Friendships

Most of your friends won't be anarchists. Many of them may never take anarchism seriously. That's OK: it's not your job to turn them into clones of yourself; and the success of your efforts to build a stateless society doesn't depend on everyone's coming to share your beliefs. Your friendships certainly don't need to be political—the last thing we need is the kind of grim review of personal relationships for ideological correctness that has marked too many political movements across the spectrum. Anarchism is about living a good life, and friendship is a marvelous aspect of human welfare; it's a good thing whether your friends agree with you about anything at all, and you pervert it if you turn it into an opportunity for proselytizing. And, of course, nothing stops you from working on particular campaigns with friends who may disagree with you significantly about many or most issues.

However, the most important way to get people excited about the possibility of liberation is to connect with them personally. Doing so is a lot more useful, a lot more effective, than posting a YouTube video of yourself delivering a PowerPoint presentation. Building genuine human bonds with people enables them to understand your concerns and your objectives, and to see why they might be attractive. If you do want to engage with people politically, don't lecture from a position of authority; talk to them about problems and frustrations, experiences of moral outrage at state abuses or fears about state authority, discoveries of alternatives to the state-based ways of doing things.

Ultimately, people are more loyal to their friends than they are to movements or ideas. People will do things to support their friends that they are less

likely to do to support abstract ideologies. Share the possibility of freedom with your friends, undogmatically and generously, and you'll make the cause of anarchism immeasurably stronger.

Change Small-Scale Institutions

Authoritarianism begins at home. When children are old enough to understand arguments, but parents still insist that they be obeyed just because they are parents, or because children live in their homes, they reinforce the message that deference to positional authority is a basic and inescapable part of life. Parents who treat their children in demeaning ways or who use physical force against them when they'd never do so against adults send the message that people in authority answer to different rules than others do and that aggressive or punitive violence is an acceptable way to solve problems. If the kind of personality that births the state is nourished in authoritarian, brutal home environments, then, if you care about making the world state-free, it's worth taking a look at what goes on in your own home (and, in some extreme cases, those of others).

The same patterns we see in homes are also evident in schools and religious congregations. Rigid learning formats, required deference to teachers' positional authority, and violently enforced attendance rules all stifle individuality and breed an attitude marked simultaneously by acceptance of authority and the resentful desire to escape its sting by becoming able to exercise it over others. Think about how schools in your community are organized and about whether alternatives are feasible.

Similarly: religious congregations can be seed-beds of authoritarianism. Clerics who act as if they have special access to revealed truth, who imply that they lack the failings they assail in members of their congregations, who generate false guilt for disregarding their authority or engaging in taboo violations that harm no one all contribute to the creation of a mindset of resentful servility. In addition, many clerics proclaim the importance of acknowledging the legitimacy of other authority-figures, including parents, women's male life-partners, and state officials: just watch the patriotic displays on state-proclaimed holidays.

If you're part of a religious congregation, reflect on how your congregation is organized and how you can contribute to making it a welcoming, liberating place in which people build friendships with each other and cooperate to care for their community. Work to ensure that members of the clergy understand that they work for the benefit of the congregation, rather than seeing you as a subordinate. Raise your voice to oppose authoritarianism—especially when it has the potential to influence children's attitudes—and state-worship from the pulpit. A healthy congregation can provide an alternative to the state, a communi-

ty that puts a very different conception of inclusion and mutual empowerment on display. Help yours to be this kind of congregation, instead of one that underwrites the state's authority.

Help Others Get Out of the State's Grasp

Military forces and law enforcement agencies probably do more to prop up the state's authority than any other organizations. Help to delegitimize these organizations. Make people aware of the destructive things the state orders them to do. And let people know about the violent things they do even when they're *not* acting under orders. You can work with coalitions in your community that oppose police abuse, perhaps especially in the interests of various marginalized groups—members of ethnic minorities, women, illegal immigrants, or LGBT people. And you can encourage the people you know who want to make a difference not to join the state's standing army or police force and to explore alternative ways of achieving the goals good people might want to serve by enlisting—making peace and providing others with security.

Engage in Litigation

Sadly, a lawsuit is unlikely to topple the state. But individual lawsuits can undermine the state's arbitrary authority. A lawsuit might make it easier for someone to avoid serving in the state's military forces, or keep the state from preventing someone from working just because someone else wants a monopoly. Targeted litigation efforts can help to erode authoritarian power—as they undermined state-mandated school segregation in the middle third of the twentieth century. Consider participating in a litigation effort as a lawyer, a plaintiff (if you're likely to be an appealing one), a researcher, a financial supporter, or a publicist.

Pursue Electoral Strategies

There are both strategic and moral reasons to be skeptical about electoral politics. Involvement in electoral politics may sap energy and resources. And it may encourage both voters and would-be office-holders to overestimate the actual potential of government to change things and to treat the continued existence of the state as acceptable. In addition, people who are actually elected to public offices may become co-opted: they may become participants in, rather than opponents of, the almost inevitable expansion of state power. Participation in electoral politics may come to involve actual complicity in the state's injustice.

These claims may finally be persuasive, but I think anarchists ought at least to consider whether involvement in electoral politics might sometimes be a rea-

sonable strategy for fostering effective social change. Whether such involvement wastes time and energy in a given case is a situation-specific judgment that may require more knowledge of the consequences of actions than will often (or ever) be possible. It may sometimes lead to undesirable beliefs about the state and the effectiveness of state-related strategies for change, but it seems to me that it might nonetheless prove reasonable, given its possible consequences—including both an increase in public awareness and possible changes in law and policy. There's no real way of answering the moral question, I think, without answering more fundamental questions about moral judgment that hardly belong in a book like this. So I'll simply offer my view in conclusory form. I believe that you're complicit in injustice if you purposefully support the injustice or act unreasonably to increase the likelihood that it will occur. And I believe that involvement in a political campaign or, indeed, candidacy for or work in a political office need not involve you in doing either.

It might, of course. And the temptation may prove especially hard to resist for someone who sees her or his political goal as improving the machinery of state, making things run more efficiently, throwing out the rascals, or restoring the level of state activity to its "optimal" (or "constitutionally permissible") level. Certainly, as long as we're stuck with a state, we have every reason to want it to be less costly, less destructive, more fair. But if improving the state, rather than eliminating it, becomes a politician's goal, she or he is going to find it extremely difficult not to become part of the state and to participate—perhaps unintentionally, perhaps unreflectively—in the almost irresistible ongoing expansion of its power. Someone who's really committed to anarchism has the best chance of making a positive difference politically if she or he understands that the state can't be healed, that it has to be eliminated.

Given, though, that *some* kinds of political involvement might sometimes make strategic and moral sense for anarchists, there are several forms of involvement that might be appropriate.

- A candidate could run, and be supported by others—under the banner of a party seeking to restrain, roll back, or eliminate the state or as a candidate for nomination by another party—primarily so that the candidate and her supporters can take advantage of the publicity surrounding the campaign to highlight an anarchist position on relevant issues.
- A candidate could run, and be supported by others—under the banner of a party seeking to restrain, roll back, or eliminate the state—with the purpose of winning the office for which she's a candidate. Obviously, this kind of approach will make sense in a limited number of cases, since the majority of voters in all Western societies are affiliated with parties that

are, to say the least, state-friendly, since those parties control the machinery of government, and since those parties are likely to make it very difficult for a state-skeptic to succeed politically. This kind of approach would have a greater chance of success in a relatively small community in which anarchists and their sympathizers were present in reasonably large numbers.

- Anarchists might support a candidate—for office or nomination—affiliated with a mainstream party if the candidate personally seeks to restrain, roll back, or eliminate the state, whatever the party's own agenda. Of course, this kind of approach is risky, insofar as a candidate associated with a statist party may actually share significant elements of the party's statist agenda. In addition, even if she doesn't, she may still be susceptible to pressure from others within the party not to undermine some of that agenda. However, because of the substantial influence elected officials can exert, this kind of approach might occasionally make sense.

There might be times when any of these strategies might be reasonable for an anarchist to follow. It might also make sense for anarchists to involve themselves in supporting referenda in communities that allow for legislation by voters. A carefully crafted initiative could play a very effective role in reducing the power of the state (consider, as an example, California voters' recent approval of an initiative creating legal space for the distribution of medical marijuana).

I wouldn't for a moment deny the reasonableness of the critical questions about involvement in electoral politics I mentioned earlier. But I think that appropriately selected election campaigns can create meaningful opportunities to advance an anarchist agenda.

Lobby

Whether or not it's sensible for anarchists to participate in electoral politics, there's no escaping the reality that elected officials impact the environment in which all of us function. If state-inflicted injustice and violence are to be reduced or eliminated in our current political world, encouraging elected officials to support appropriate policies can make a good deal of sense. The lobbying process is a potentially dirty one, and anarchists who become involved in it may run the risk of losing their integrity and their commitment to the anarchist vision. What is particularly troubling is the possibility that anarchists lobbying on a principled basis may be co-opted by more experienced and cynical partners inclined to use anarchists' principled commitments for their own agendas.

Also potentially problematic: it's crucial to remember that there currently exists a tightly-woven fabric of interconnected state policies. The process of dis-

mantling the state can't be undertaken without an awareness of the links among these policies. Suppose policy A is put in place to reward some privileged group. Not surprisingly, this policy has an adverse affect on a less well connected, more economically and politically vulnerable group. In the characteristically *ad hoc* fashion favored by politicians, policy B is put in place to ensure that things don't go quite so badly for this disadvantaged group.

A single-mindedly anti-state lobbying strategy, focused on rolling back the state, might lead an anarchist to promote the elimination of policy B. There might be a superficial argument for eliminating this policy. But doing so would leave in place the privilege created by policy A and, thus, the state-created disability effected by this policy. Since policy B was designed to correct, at least in part, the problems created by A, leaving A in place simply subjects the disadvantaged group to the harms created by the conferral of a special privilege on the group benefited by A. A sensible anarchist lobbying strategy, therefore would need to focus either on eliminating A and B together *or* on eliminating A before eliminating B, rather than on eliminating B first (especially since, given that A was designed to benefit a politically privileged group, there's a decent chance that the elimination of A might prove more difficult than the elimination of B). If policy B reduces the relative privilege one group enjoys, courtesy of the state's enactment of policy A, it certainly wouldn't make sense for anarchists to lobby for eliminating policy B without eliminating policy A: leaving policy A in place while ending policy B would actually amount to an *increase* in the unfair privileges conferred by the state.

Lobbying poses real risks for anarchists personally and for people affected by the policies regarding which they lobby. Still, if elected officials can be convinced that particular anti-state policies make sense, lobbying can yield genuinely positive results.

Lobbying can take the fairly conventional form of individual communication with particular public officials and their staffs. It can also involve more generalized communication with public officials and opinion leaders. An obvious strategy would be the use of think-tanks to generate reports, sponsored research (provided its integrity can be ensured), books, journal articles, op-ed pieces, and newspaper articles highlighting the illegitimacy of the state and the availability of credible alternatives. (An obvious anarchist example: the work of the Center for a Stateless Society.)

Build Coalitions

Advancing an anarchist agenda certainly doesn't need to be undertaken solely through explicitly anarchist or anti-state institutions or organizations. Practical anarchists will work hand-in-hand with appropriate partners. Obviously, some

partners won't share many anarchist goals; that doesn't mean that anarchists can't work with them to achieve freedom and justice. Natural partners might include groups concerned with immigrant rights, police abuse, civil liberties, nationalism, corporate bailouts, state manipulation of the money supply, militarism, and peace.

While issue-based coalition-building will often make great sense for anarchists, it's obviously important here, as in other contexts, to avoid being co-opted or manipulated. Many passionate, justice-oriented organizations will be wonderful partners for anarchists. Others, however, may use anarchist rhetoric to promote racist, corporatist, or otherwise unsavory agendas. And even well intentioned, principled partners with non-anarchist ideologies may adopt positions anarchists can't endorse. That doesn't mean well-meaning partners who sometimes take pro-state positions should be shunned. Of course not. It does mean, though, that involvement in issue-focused campaigns with non-anarchist partners, especially ones who might be unfamiliar, requires thoughtful attentiveness and a persistent willingness not to let the core of anarchist principles be compromised.

Support Secession Movements

We're better off with no states. But as long as there are states, we're all surely better off if they're smaller rather than larger. Smaller states are both more responsive to ordinary people and less able to be dangerous to other communities. So there's good reason, in general, to support the freedom of people to secede from existing states. That's also true because doing so underscores the fact that people have the freedom to opt out of the state, to say *no*. And once that principle has been acknowledged, it's hard not to follow the chain of reasoning leading to it to its logical conclusion—that not only smaller political units, but particular people, ought to be able to opt out.

Secession movements come in different shapes and sizes. In the United States, perhaps the most visible are movements in Vermont—associated with the political left—and New Hampshire—associated in part with the populist wing of the political right (I say in part because New Hampshire's Free State Project clearly includes many people with a socially tolerant attitude it would be hard to label "right-wing"). Anarchists will have good reason to endorse both movements (with the qualification, of course, that neither goes far enough). But people thinking about secession in the American context will obviously remember that some—not all—calls for secession sometimes went hand-in-hand with support for the continuation of slavery in the mid-nineteenth century.

The American experience can be seen as highlighting a problem with secession movements: a group of people seeking to escape what they experience as oppression at the hands of a larger political unit are perfectly capable of be-

ing oppressive themselves. Indeed, a secession movement organized around an ethnic or religious group's desire for independence may lead to the creation of a state to which that group's solidarity is central. Groups which are minorities within the newly created state may now themselves desire independence because they have been targeted for harassment, discrimination, or even genocide. And the very commitment to solidarity which lies at the heart of the new state (from the standpoint of the majority) may make it difficult for the state's rulers to tolerate further secession: what was acceptable for them may not, from their point of view, be acceptable for others.

But these kinds of worries shouldn't obscure the fact that secession can serve the cause of freedom. It's worth emphasizing, for instance, that some abolitionists in the pre-Civil War era argued that the *North* should secede so that northern state governments wouldn't have to cooperate with slave states by, for instance, enforcing fugitive slave laws.

In any case, support for the independence of, say, Vermont and New Hampshire (or, for that matter, Hawaii, Alaska, California, or any other state) ought to be an easy sell for anarchists. But it's clear that secession movements come in all shapes and sizes. While anarchists have no business ever supporting the use of force to prevent secession, they should also be willing (morally, and perhaps financially and physically) to support voluntary, non-state measures (the state-based ones are too likely to underwrite imperialism and the growth of state power and to require the ongoing exaction of tribute) to restrain and, if necessary, unseat secessionists (and others) who promote slavery, genocide, or other kinds of tyranny.

Create Alternate Institutions

There's no point in waiting for the state to catch on to the fact that it's unjust and irrelevant. There are too many vested interests that have every reason to want to maintain it. If a group of well-intentioned anarchists were to take over the state apparatus, it would be expecting almost super-human self-discipline from them to expect that even they wouldn't be tempted to hang on to the vast power of the state "just to fix a few problems." Claiming the power of the state isn't a very realistic pathway to anarchy. It's one thing to get involved in electoral politics from the outside, as it were—to restrain and, if possible, redirect the state. But it's another to indulge the illusion that keeping the state around under the control of good people is compatible with authentic liberation. The state is rotten to the core. The problem is not that the state is run by people who are inherently bad; the problem is that the possession of state power creates incentives for *anyone* who exercises it to abuse it.

So it makes more sense, whatever side projects we might have in the world of the state, to focus on creating alternate institutions that will simply make the state irrelevant. Some such institutions are vital to deprive the state of power. Others are important as ways of cleaning up messes the state has made. Others still are crucial because of their capacity to demonstrate that the state isn't necessary. Local Exchange Trading Systems (LETSs), for instance, which involve the exchange of goods and services without currency, can begin a movement outside the state-controlled banking system, a move that's vital both because it can provide financial security and because it can help to ensure privacy. Creating anonymous on-line transaction systems can play the same role, as can the development of new commodity-based non-state currencies. Groups like Food Not Bombs can provide low-overhead, high value basic services to economically vulnerable people in our communities, demonstrating that inefficient, manipulative, managerial state services aren't the only option.

The more people can rely on each other, the more they can ignore the state and the businesses it props up. The development of the non-state institutions that will ensure the stability of our communities in a stateless society is a way of—to use the phrase made famous by the Industrial Workers of the World—"building the new society within the shell of the old."

Participate in the Counter-Economy?

Some anarchists opt for involvement in the counter-economy—the non-violent underground (gift and exchange) economy that operates in violation of the state's rules. They sell knock-off versions of patented prescription drugs; enable the subjects of authoritarian governments to access Internet sites the governments want to keep them from visiting; facilitate the importation of goods without the payment of import duties; or help would-be immigrants move past border checkpoints. Anarchists who engage in this kind of work obviously run significant risks; but many of them see what they are doing as worthwhile, not only because of the financial rewards they may sometimes receive but also because of the opportunity their work provides to help people in need and to undermine unjust, authoritarian structures.

Engage in Non-Violent Protest

Protest is a classic means of challenging an unjust government. The personal consequences of participating in the Tiananmen protests were devastating for many people, but their choice to confront the state at any cost made their courage and integrity, and the brutality of the regime that opposed them, both

inescapable and unforgettable. Civil disobedience can also be used to call attention powerfully to the injustice of state actions: think, for instance, about the heroic work of the Freedom Riders who subjected themselves to the risk of great violence as they opposed Jim Crow bans on integrated bus service.

If people can be mobilized to oppose such state abuses as imperial wars, their concerted visible opposition, expressed through public acts of protest, can energize other people who are not themselves protesting but who oppose what the state is doing and challenge state officials to confront the reality of the state's abuses and the seriousness of public opposition to those abuses. As an anarchist, you'll have the most impact, obviously, if you're able to protest injustice in coalition with a range of people from across the ideological spectrum, people whose presence will swell the numbers of the protesters you seek to rally and make clear to state officials that their actions are not being challenged only by a tiny group of radicals.

There's nothing wrong with using force to defend yourself or someone else against an unjust attack. But *nothing* justifies attacking someone else's body or mind for the purpose of harming her or, instrumentally, in order to achieve some other goal, and it's never reasonable to harm someone else's possessions when you would be unwilling to accept harm to your own if roles were reversed. It's always crucial to make sure that you don't provoke attacks; it's especially important to do so when you're protesting. Mainstream pundits and other opponents of anarchism characteristically regard anarchists as chaotic, violent thugs. It's your responsibility to show them that that's not true, that you're not on the same moral plane as provocateurs who seek to lure you into fights and that you're self-disciplined enough to say *no* to anger and retaliatory violence. Remember that you're protesting, not out of fear or anger but out of love and a passion for freedom.

Put Alternative Options on Display

One of the most powerful ways of attracting people to the anarchist cause is by demonstrating that stateless societies can function effectively. Demonstration projects can simultaneously serve the immediate, practical function of providing people with alternatives to living under the rule of the state *and* make clear to states and individuals that state rule isn't the only game in town.

States claim all, or almost all, of the dry land on our planet. It's likely to be difficult or impossible to claim the territory needed to create a stateless society from an existing state. But there are multiple creative alternatives to using existing state-claimed land as the site of such a society. One of the most interesting options involves the creation of stateless communities on the ocean—

"seasteading." It's one thing to talk about life without the state—but quite another to show people what it might look like.

That's likely to be threatening to some states, in somewhat the same way that Clarence Jordan's establishment of an interracial farming community in segregation-era Georgia provoked violent responses from white people who weren't themselves being forced by Jordan to interact with black people. The simple fact that Jordan was demonstrating that another way of being together was *possible* was enough to make people angry: after all, authoritarian systems (like the state) derive much of their power from the illusion that they are inevitable. Demonstration projects make clear that the state is anything but inevitable.

So people involved in demonstrating the possibility of anarchy need to be aware that they may elicit violent responses. But they also need to be aware that theirs may be among the most practical and provocative ways of making a case for anarchy.

On to the Surprise

Working together, we can help to create a world in which free people can live together in free, vibrant, creative communities. That's the world anarchists want: not a world in which chaotic violence robs people of freedom and security (the world some snide commentators seem to think anarchists seek), but a world in which the absence of the state's dominion creates a breathtaking variety of empowering, liberating ways of being human; not a world ruled by states and the elites that control them and use them to dominate, exclude, and impoverish, but a world in which ordinary people are free to flourish.

We can't tell just what that world will be like. But that's because it doesn't exist yet. It's a world we're going to fashion, a world that's waiting for us to bring it into being. That world lies beyond the state's violence, beyond its support for hierarchy and impoverishment, beyond its repression of difference and its suffocating elimination of the offensive and the dissenting. It's not a perfect world—it will still be populated by human beings, by you and me. But it's a better world, a world more free, more peaceful, more humane than the one we live in now.

See you there.

Stuff to Check Out on the Way to the Future

THERE IS AN ENORMOUS literature about anarchism. I have, as I've emphasized, drawn on a lot of it freely. I want here to list contemporary sources that have contributed significantly to the development of this book, since not all are acknowledged in the notes. I also want to call attention to some texts (literary and cinematic) with which anyone interested in anarchism might want to get acquainted. The fact that I've included something here doesn't necessarily mean that I share its perspective, of course, but just that I think it's interesting and worth exploring.

Anarchism in America. Dir. Steven Fischler and Joel Sucher. Perf. Murray Bookchin, Paul Avrich, Jello Biafra, Mollie Steimer, Mildred Loomis, Karl Hess, *et al*. Pacific Street 1983. DVD. AK 2005.

An evocative documentary that provides an overview of American anarchist thinkers and activists representing multiple schools and backgrounds from the nineteenth century to the present.

An Anarchist FAQ. By Iain McKay *et al*. InfoShop.org, Jan. 21, 2010 <http://www. infoshop.org/page/AnAnarchistFAQ> July 2, 2010.

An influential exposition of anarchism, featuring contributions from anarchists with a range of viewpoints, discussions of arguments for and against anarchism, and analyses of multiple schools of anarchist thought.

AntiWar.com. Randolph Bourne Institute n.d. <http://antiwar.com> Jan. 27, 2011.

A leading source of news and commentary designed to challenge militarism, imperialism, and the national security state, operated by a nonprofit named for the social critic who famously said, "War is the health of

the state." It's cross-ideological in orientation, but a number of the people associated with it are anarchists—not surprisingly, since opposition to the statist violence of war is a bedrock anarchist commitment.

Avrich, Paul. *Anarchist Voices: An Oral History of Anarchism in America*. Oakland, CA: AK 2005.

Invaluable resources related to the anarchist tradition in the United States.

Bakunin, Mikhail Aleksandrovich. *God and the State*. Mineola, NY: Dover 1970.

——. *Statism and Anarchy*. Ed. Marshall Shatz. Cambridge: CUP 1990.

Anarchist writings of a passionate Russian sparring-partner of Karl Marx who saw religion and statism as equally illusory and believed that Marx's ideas could be used to justify dictatorship.

Barnett, Randy E. *The Structure of Liberty: Justice and the Rule of Law*. New York: OUP 2000.

Barnett's outstanding book offers a distinctive natural-law grounding for a stateless society's legal order and explains how such an order might work.

Berkman, Alexander. *What Is Anarchism?* Oakland, CA: AK 2003 [1937].

A simple, clear exposition of what the author labeled "communist anarchism," by a life-long friend and sometime lover of Emma Goldman.

Bookchin, Murray. *Post-Scarcity Anarchism*. 3d ed. Stirling: AK 2004.

A classic array of essays by America's leading post-World War II social anarchist thinker.

Caplan, Bryan. *Anarchist Theory FAQ: Or, Instead of a FAQ, by a Man Too Busy to Write One*. Version 5.2. N.p. n.d. <http://econfaculty.gmu.edu/bcaplan/anarfaq. htm>. July 2, 2010.

A readable and wide-ranging overview of issues related to anarchism by an academic economist who also writes about philosophy and politics.

Carson, Kevin A. "The Distorting Effects of Transportation Subsidies." *The Freeman: Ideas on Liberty* 60.9 (Nov. 2010): 17-20. <http://www.thefreemanonline.org/featured/the-distorting-effects-of-transportation-subsidies>

——. "Health Care and Radical Monopoly." *The Freeman: Ideas on Liberty* 60.2 (March 2010): 8-11. <http://www.thefreemanonline.org/featured/health-care-and-radical-monopoly>

——. *The Homebrew Industrial Revolution: A Low-Overhead Manifesto*. Charleston, SC: BookSurge 2010. N.p. 2010. <http://homebrewindustrialrevolution.wordpress.com>. July 2, 2010.

——. *Organization Theory: A Libertarian Perspective*. Charleston, SC: BookSurge 2009.

——. *Studies in Mutualist Political Economy*. Charleston, SC: BookSurge 2007. Mutualist.org, 2007. <http://www.mutualist.org/id47.html>. July 2, 2010.

Carson is a brilliant and creative synthesist and reinterpreter of the anarchist tradition, drawing on both nineteenth-century classics like the work of Proudhon and Tucker and more recent work in history, economics, and political theory. Review mutualist resources at his website—<http://www.mutualist. org>—and engage with him on-line at his blog—<http://www.mutualist. blogspot.com>.

Center for a Stateless Society. Ed. Brad Spangler. Molinari Institute n.d. <http://c4ss. org/>. July 2, 2010.

Articles, commentaries, and other resources critiquing the state and its corporate allies and envisioning stateless alternatives. (I'm a member of the Center's advisory board.)

Chomsky, Noam. *Chomsky on Anarchism*. Oakland: AK 2006.

Not only a premier theoretical linguist and a long-time, articulate critic of the US government's foreign policy, Chomsky is also among the leading social anarchist thinkers writing today.

Clark, Stephen R. L. *Civil Peace and Sacred Order*. Oxford: Clarendon-OUP 1989.

——. "Slaves and Citizens" and "Anarchists against the Revolution." *The Political Animal: Biology, Ethics, and Politics*. London: Routledge 1999.

Clark presents an attractive version of anarchism for consideration and highlights commonalities between seemingly divergent anarchist schools. Even though, as will be apparent, I live politically on the left, his "anarcho-conservatism" has proved of ongoing value to my own thinking.

DeLeon, David. *The American as Anarchist: Reflections on Indigenous Radicalism*. Baltimore, MD: Johns Hopkins UP 1978.

An historical analysis of anarchism as reflective of a persistent anti-authoritarian strand in American thought.

De Cleyre, Voltairine. *The Voltairine De Cleyre Reader*. Ed. A. J. Brigati. Oakland, CA: AK 2004.

A leading American anarchist at the end of the nineteenth century and the beginning of the twentieth, De Cleyre coined the phrase "anarchism without adjectives."

Ellul, Jacques. *Anarchy and Christianity*. Trans. Geoffrey W. Bromiley. Grand Rapids: Eerdmans 1988.

The distinguished and prolific social theorist argues that non-violent anarchism is an appropriate expression of Christian faith.

Friedman, David D. *The Machinery of Freedom: Guide to a Radical Capitalism*. Chicago: IL: Open Court 1989. N.p. 2010. <http://www.daviddfriedman.com/The_Machinery_of_Freedom_.pdf>. July 1, 2010.

A clear, good-natured, creative exposition of the case for a market-oriented variety of anarchism from an economic perspective.

Goldman, Emma. *Anarchism and Other Essays*. New York: Mother Earth 1910.

——. *Living My Life*. New York: Knopf 1931.

Anarchist and feminist who bridged the anarchist movements in the United States and Europe, Goldman famously declared, "I want freedom, the right to self-expression, everybody's right to beautiful, radiant things."

Goodway, David, ed. *For Anarchism: History, Theory, and Practice*. London: Routledge 1989.

A collection of essays examining the early stages of twentieth-century anarchism and offering varied perspectives on anarchist theory.

Graeber, David. *Fragments of an Anarchist Anthropology*. Chicago: Prickly Paradigm 2004. <http://www. prickly-paradigm.com/paradigm14.pdf>. July 3, 2010.

A compact program for the development of a full-blown anarchist social theory, laying the groundwork for discussions of the state, voluntary associations, and resistance, by a scholar described by a distinguished peer as "the best anthropological theorist of his generation from anywhere in the world."

Graham, Robert, ed. *Anarchism: A Documentary History of Libertarian Ideas* 1*: From Anarchy to Anarchism* (300CE to 1939). Montreal: Black Rose 2004.

——. *Anarchism: A Documentary History of Libertarian Ideas* 2*: The Emergence of the New Anarchism (1939-1977)*. Montreal: Black Rose 2009.

——. *Anarchism: A Documentary History of Libertarian Ideas* 3*: The New Anarchism (1974 to 2008)*. Montreal: Black Rose 2010.

A vast collection of anarchist source materials from before the Middle Ages to the present. The selections are drawn from multiple intellectual and cultural traditions, many non-Western.

Guérin, Daniel. *Anarchism: From Theory to Practice*. Trans. Mary Klopper. New York: Monthly Review 1970. Anarchist Library 2009. <http://theanarchistlibrary.

org/HTML/Daniel_Guerin__Anarchism__From_Theory_to_Practice.html>. July 3, 2010.

An influential overview of anarchist history and theory which also features historical information about twentieth-century anarchist experiments.

Hess, Karl. *Dear America*. New York: Morrow 1975.

A Goldwater-speechwriter-turned-New-Leftist explains his conviction that anarchism best expresses American ideals.

Higgs, Robert. *Crisis and Leviathan: Critical Episodes in the Growth of American Government*. Oxford: OUP 1982.

An anarchist economic historian carefully analyzes the link between economic, political, and military crises and the cancerous development of the American state.

Holterman, Thom, and van Maarseveen, Henk, eds. *Law and Anarchism*. Montreal: Black Rose 1984.

Essays on the legal problems of a stateless society from diverse perspectives.

Jasay, Anthony de. *Social Contract, Free Ride: A Study of the Public Goods Problem*. Oxford: Clarendon-OUP 1991.

An economist and philosopher argues on rational-choice grounds that social order is possible without the state but that the emergence of the state is a persistent danger.

Johnson, Charles W. *Rad Geek's People's Daily: Official State Media for a Secessionist Republic of One*. N.p. 2010. <http://radgeek.com>. July 2, 2010.

——. "Scratching By: How Government Creates Poverty as We Know It." *The Freeman: Ideas on Liberty* 57.10 (Sep. 2007): 12-13. <http://www.thefreemanonline.org/Featured/Scratching-By-How-Government-Creates-Poverty-as-We-Know-It>. July 2, 2010.

Analytical, passionate, relentless—Johnson offers a mix of philosophical argument, political commentary, and in-your-face truth-telling. Especially strong on the diverse connections between opposition to the state and challenges to various kinds of culturally embedded non-state subordination, both violent and non-violent.

Karl Hess: Toward Liberty. Dir. Roland Hallé and Peter W. Ladue. Direct Cinema 1980.

An Oscar-winning portrait of the gentle, decent anarchist thinker and activist and advocate of local empowerment.

Kauffman, Bill. *Bye Bye Miss American Empire: Neighborhood Patriots, Backcountry Rebels, and Their Underdog Crusades to Redraw America's Political Map*. White River Junction, VT: Chelsea Green 2010.

A literate, contrarian proponent of "front-porch anarchism" pens a love poem to decent secessionist movements, past and present.

Kinsella, N. Stephan. *Against Intellectual Property*. Auburn, AL: Mises 2009. <http://www.mises.org/books/against.pdf>. Feb. 17, 2011.

An anarchist lawyer and legal theorist offers a sustained case that patents, copyrights, and other forms of IP are unjust creations of the state.

Kolko, Gabriel. *The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916*. New York: Free 1963. <http://www.scribd.com/doc/17413331/Gabriel-Kolko-The-Triumph-of-Conservatism>. Feb. 17, 2011.

Though not an anarchist himself, Kolko provides lots of ammunition for anarchist critiques of the state in this study of how Progressive-era regulations were shaped to serve the interests of big business.

Kropotkin, Peter. *The Conquest of Bread*. New York: Vanguard 1995 [1894]. Project Gutenberg n.d. <http://www.gutenberg.org/etext/23428>. July 2, 2010.

——. *Mutual Aid. A Factor of Evolution*. London: Freedom 1998 [1914]. Project Gutenberg n.d. <http://www. Gutenberg.Org/etext/4341>. July 2, 2010.

Biologist, geographer, and social theorist, Kropotkin articulated a vision of anarchy emphasizing cooperation and rootedness in the natural world.

Leeson, Peter T. *The Invisible Hook: The Hidden Economics of Pirates*. Princeton: Princeton UP 2009.

An entertaining examination of some complex issues related to social interaction through the lens provided by eighteenth-century pirates, who offer perhaps surprising evidence of the possibility of cooperation without the state.

Long, Roderick T. *Austro-Athenian Empire*. N.p. 2010. <http://aaeblog.com>. July 2, 2010.

Here and at his website—<http://praxeology. net>—Long serves up a tasty mix of very fine philosophy, politics, and whimsical pop-cultural musings. The thoroughly readable philosophical work includes discussions of anarchism, class analysis, economic method, feminism, and ethics.

Long, Roderick T., and Machan, Tibor. *Anarchism/Minarchism: Is a Government Part of a Free Country?* Farnham: Ashgate 2008.

Up-to-date arguments from people who believe there should no state and people who believe there should be very limited states.

Martin, James J. *Men against the State: The Expositors of Individualist Anarchism in America, 1827-1908*. Colorado Springs: Myles 1970. <http://www.mises.org/books/Men_Against_the_State_Martin.pdf>

An engaging portrayal of many of the leading U.S. anarchists of the nineteenth century, viewed in relation to contemporaneous radical movements.

Meltzer, Albert. *Anarchism: Arguments For and Against*. Oakland, CA: AK 2001.

A brief primer on anarchist ideas designed to respond to Marxist critiques. Dismisses anarchist thinkers including Tolstoy, Tucker, and Proudhon.

Murphy, Robert P. *Chaos Theory: Two Essays on Market Anarchy*. New York: RJ 2002. Mises Institute n.d. <http://www.mises.org/books/chaostheory.pdf>. July 2, 2010.

A helpful discussion of the management of the potentially violent in a stateless society. Murphy blogs at <http://consultingbyrpm.com/Blog>.

Nozick, Robert. *Anarchy, State, and Utopia*. New York: Basic 1974.

Features an unpersuasive but influential argument that a state could emerge legitimately in a stateless society.

Proudhon, Pierre J. *General Idea of the Revolution in the Nineteenth Century*. Trans. John Beverly Robinson. Mineola, NY: Dover 2004 [1923]

——. *System of Economical Contradictions; or, The Philosophy of Misery*. Trans. Benjamin R. Tucker. New York: Arno 1973 [1888].

——. *What is Property?* Ed. and trans. David R. Kelley and Bonnie G. Smith. Cambridge: CUP 1994.

Arguably the first person to use the word "anarchist" for himself, Proudhon jousted with Marx and developed a distinctive approach to anarchism he labeled "mutualism."

Richman, Sheldon. "Libertarian Left: Free-Market Anti-Capitalism, the Unknown Ideal." *The American Conservative* 10.3 (March 2011): 28-32. <http://www.amconmag.com/blog/libertarian-left>. Feb. 17, 2011.

Provides an overview of a developing intellectual and political movement on the political left, populated largely by anarchists, that interestingly bridges some traditional ideological and strategic divides.

Rocker, Rudolph. *Anarcho-Syndicalism: Theory and Practice*. Oakland, CA: AK 2004.

———. *Pioneers of American Freedom: Origins of Liberal and Radical Thought in America*. Trans. Arthur E. Briggs. Los Angeles: Rocker 1949.

Anarcho-Syndicalism is a classic of anarchist strategy, theory, and history which emphasizes the commitment to freedom shared by proponents of different anarchist tendencies. *Pioneers* is an appreciation of indigenous American radical traditions from the perspective of a titan of European anarchism.

Rothbard, Murray N. "Confiscation and the Homestead Principle." *Libertarian Forum* 1.6 (June 15, 1969): 3-4. Mises Institute n.d. <http://mises.org/journals/lf/1969/1969_06_15.aspx>. Feb. 7, 2010.

———. *The Ethics of Liberty*. 2d ed. New York: New York UP 2003. Mises Institute n.d. <http://mises.org/rothbard/ethics/ethics.asp>. July 2, 2010.

"Confiscation and the Homestead Principle" elaborates a provocative model of wealth redistribution without the state. *The Ethics of Liberty* is a detailed exposition of the normative basis of Rothbard's preferred variant of anarchism.

Ruwart, Mary. *Healing Our World in an Age of Aggression*. 3d ed. Kalamazoo, MI: Sunstar 2003.

A lively and insightful discussion of institutional and personal methods for problem-solving apart from state action.

Sartwell, Crispin. *Against the State: An Introduction to Anarchist Political Theory*. Buffalo, NY: SUNY 2008.

Demonstrates the inadequacy of traditional arguments for state authority.

Scott, James C. *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. New Haven, CT: Yale UP 2009.

A study of anarchy in action in a region that includes territories claimed by seven different countries in southeast Asia—an insightful contemporary and historical case study.

Shaffer, Butler. *In Restraint of Trade: The Business Campaign against Competition, 1918-1938*. Lewisburg, PA: Bucknell UP 1997.

An anarchist legal theorist explains how big business used the regulatory state to its advantage at a crucial period in American history.

Skoble, Aeon J. *Deleting the State: An Argument about Government*. Chicago: Open Court 2008.

Expertly dissects arguments for the necessity and legitimacy of the state.

Spooner, Lysander. *No Treason: The Constitution of No Authority; and, A Letter to Thomas F. Bayard*. Larkspur, CO: Pine Tree 1966.

Spooner joins Benjamin Tucker as one of the two nineteenth-century American individualist anarchists who have exerted the most continuing influence on later anarchist thought. Spooner was a passionate opponent of slavery as well as of the monopolistic state, and an unsuccessful provider of the same services as the US Postal Service who was effectively put out of work by act of Congress. Many of Spooner's writings are available in electronic form at <http://www.lysanderspooner.org>.

Stringham, Edward P., ed. *Anarchy and the Law: The Political Economy of Choice*. Edison, NJ: Transaction 2007.

——. *Anarchy, State, and Public Choice*. Cheltenham: Elgar 2006.

Anarchy and the Law is an enormous collection of historical and contemporary essays concerned with the moral and practical problems raised by anarchism. *Anarchy, State, and Public Choice* focuses on economic arguments for and against the viability of anarchism.

Tannehill, Morris and Tannehill, Linda. *The Market for Liberty*. 3d ed. San Francisco, CA: Fox 1993.

A detailed explanation of how the authors believe social cooperation could be managed without the state. They sometimes say some fairly silly things. But they also sometimes exhibit a humane, hippieish sensibility that I confess I find charming.

Taylor, Michael. *Community, Anarchy, and Liberty*. Cambridge: CUP 1982.

——. *The Possibility of Cooperation*. Cambridge: CUP 1987.

Game-theoretic modeling is carefully applied to problems related to the justification and operation of a non-coercive society.

Tolstoy, Leo. *Government is Violence: Essays on Anarchism and Pacifism*. New Haven, CT: Phoenix 1990.

Reflections on violence and the state, by a passionate opponent of both.

Tucker, Benjamin. *Instead of a Book, by a Man Too Busy to Write One*. New York: Tucker 1897. Fair-Use.org n.d. <http://fair-use.org/benjamin-tucker/instead-of-a-book/>. July 2, 2010.

A collection of lively polemical essays by the dean of the nineteenth-century American individualist anarchists. Includes the still widely discussed programmatic statement, "State Socialism and Anarchism."

Ward, Colin. *Anarchism: A Very Short Introduction*. New York: OUP 2004.

——. *Anarchy in Action*. London: Freedom 1982.

Anarchist history, theory, and practice from the perspective of the doyen of post-World War II English anarchism—good-natured, humane, and always thoroughly practical.

Ward, Colin, and Goodway, David. *Talking Anarchy*. Nottingham: Five Leaves 2004.

An extended conversation between anarchist icon Ward and historian Goodway that focuses on a broad range of anarchist activists, ideas, and prospects.

Wilbur, Shawn P. *The Libertarian Labyrinth: Mutualist Anarchism and Its Context*. N.p. n.d. <http://libertarian-labyrinth.org/

——. *Two-Gun Mutualism and the Golden Rule*. N.p. 2010. <http://libertarian-labyrinth.blogspot.com>. July 2, 2010.

Wilbur offers insightful, literate anarchist social theory and commentary, in addition to a broad range of historical texts—the obscure as well as the relatively well known—by American and European anarchists (the latter sometimes available in translation for the first time).

Notes

[1]I'm focusing on this and other American examples throughout for several reasons. I'm an American and I know the American scene best. I think the "official" political theory of the United States, as reflected in the Declaration, and the instinctive attitude of many Americans toward state authority are especially hospitable toward anarchism. And, at the same time, ironically, abuses of American power at home and abroad highlight just how dangerous states can be.

[2]"23% Say U.S. Government Has the Consent of the Governed," *Rasmussen Reports* (Rasmussen Reports, July 16, 2010) <http://www.rasmussenreports.com/public_content/politics/general_politics/july_2010/23_say_u_s_government_has_the_consent_of_the_governed> (July 16, 2010).

[3]Peter T. Leeson, "One More Time with Feeling: The Law Merchant, Arbitration, and International Trade," *Indian Journal of Economics and Business* spec. iss. (Sep. 2007): 29-34.

[4]See, *e.g.*, Paul Milgrom, Douglass North, and Barry Weingast, "The Role of Institutions in the Revival of Trade: The Law Merchant, Private Judges, and the Champaigne Fairs," *Economics and Politics* 2.1 (March 1990): 1-23. But cp. Stephen Edward Sachs, "From St. Ives to Cyberspace: The Modern Distortion of the Medieval 'Law Merchant,' *American University International Law Review* 21.5 (2006): 685-812. Focusing on the St. Ives fair (court records related to which he examines in detail), Sachs criticizes claims that the *lex mercatoria* was uniform, that merchants' disputes were resolved primarily by merchants' own institutions, and that local authorities were uninvolved in sorting out such disputes.

[5]See, *e.g.*, Lisa Bernstein, "Opting out of the Legal System: Extralegal Contractual Relations in the Diamond Industry," *Journal of Legal Studies* 21.1 (Jan. 1992): 145-53; Edward P. Stringham, "The Extralegal Development of Securities Trading in Seventeenth Century Amsterdam," *Quarterly Review of Economics and Finance* 43.2 (Sum. 2003): 321-44.

[6]David D. Friedman, "Private Creation and Enforcement of Law: A Historical Case," *Journal of Legal Studies* 8.3 (Mar. 1979): 399-415; cp. William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law and Society in Saga Iceland* (Chicago: U of Chicago P 1997).

[7]Cp. Joseph R. Peden, "Property Rights in Celtic Irish Law," *Anarchy and the Law: The Political Economy of Choice*, ed. Edward P. Stringham (Oakland, CA: Independent 2007) 565-85.

[8]Robert Ellickson, *Order without Law: How Neighbors Settle Disputes* (Cambridge, MA: Harvard UP 1994).

[9]Peter T. Leeson, "Better Off Stateless: Somalia before and after Government Collapse," *Journal of Comparative Economics* 35.4 (2007): 689-710 <http://www.peterleeson.com/Better_Off_Stateless.pdf> (July 1, 2010); Benjamin Powell, Ryan Ford, and Alex Nowrasteh, "Somalia after State Collapse: Chaos or Improvement?," *Journal of Economic Behavior and Organization* 67.3-4 (Sep. 2008): 657-70 <http://www.independent.org/pdf/working_papers/64_somalia.pdf> (July 1, 2010). See also Michael Van Notten, *The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa*, ed. Spencer Heath McCallum (Trenton, NJ: Red Sea 2005). Van Notten spent over a decade studying Somali customary law in order to deepen understanding of its potential to serve as a model for a stateless legal order.

[10]Terry L. Anderson and Peter J. Hill, *The Not So Wild, Wild West: Property Rights on the Frontier* (Stanford, CA: Stanford Economics and Finance 2003).

[11]Peter Leeson, *The Invisible Hook: The Hidden Economics of Pirates* (Princeton, NJ: Princeton UP 2009)

[12]Even more simply, we might distinguish the voluntary from the involuntary means. Later anarchists owe this cluster of distinctions to the German sociologist Franz Oppenheimer, who articulated and defended the idea that the state originated in violent conquest. See Franz Oppenheimer, *The State* (San Francisco: Fox 1997).

[13]In a region in which multiple currencies circulated at the same time, common practice might converge on a particular commodity standard—perhaps featuring a precious metal, some other individual commodity or a basket of commodities. I don't mean, by ignoring this possibility in the text, to imply any particular evaluation of a commodity standard; I just think the right way to figure out whether such a standard makes sense is to try it. Anarchism is about experimentation if it's about anything.

[14]My focus here is on grants of special privileges to individual people or firms, or to particular industries. If *all* corporate income were allocated to shareholders for purposes of taxation, for instance, there would likely be no reason to regard this as a subsidy to corporations.

[15]The invasion of Afghanistan was undertaken despite the fact that the Taliban regime had sought to contain Osama bin Laden and prevent him from launching attacks outside Afghanistan. The regime seems to have made multiple offers to deport him or hand him over for trial. See, *e.g.*, Gareth Porter, "Taliban Regime Pressed bin Laden on Anti-US Terror," *AntiWar.Com* (Randolph Bourne Institute, Feb. 12, 2010) <http://original.antiwar.com/porter/2010/02/11/taliban-regime-pressed-bin-laden-on-anti-us-terror> (July 5, 2010); Alexander Cockburn and Jeffrey St. Clair, "How Bush

Was Offered Bin Laden and Blew It," *Counterpunch* (n.p., Nov. 1, 2004) <http://www.counterpunch.org/cockburn11012004. html> (July 5, 2010).

[16]Rudolph Joseph Rummel, "Statistics of Pre-20th Century Democide: Estimates, Calculations, and Sources," *Statistics of Democide* (Freedom, Democide, War, 1997) <http://www.mega.nu/ampp/rummel/sod.chap2.htm> (July 1, 2010). What's available on-line is the "pre-publisher edited manuscript" of *Statistics of Democide: Genocide and Mass Murder Since 1900* (Charlottesville, VA: Center for National Security Law; Piscataway, NJ: Transaction 1997).

[17][Matthew White,] "Source List and Detailed Death Tolls for the Twentieth Century Hemoclysm," *Historical Atlas of the Twentieth Century* (n.p., Feb. 12, 2005) <http://users. erols.com/mwhite28/warstat1.htm> (July 1, 2010).

[18][John Simkin,] "Financial Cost of the First World War," *Spartacus Educational* (Spartacus Educational n.d.) <http://www.spartacus.schoolnet.co.uk/FWWcosts.htm> (Jan. 27, 2011). I used CPI data to adjust the relevant totals for inflation.

[19]I have adjusted the (already inflation-adjusted) figures from "Three World War Statistics Compared," *Three World Wars* (Three World Wars, Jan. 26, 2009) <http://www.threeworldwars.com/overview.htm> (Jan. 27, 2011) using CPI data (I don't mean by using these statistics to endorse the site's particular analysis of the relevant historical and political issues).

[20]For the CRS estimates, see Stephen Daggett, *Costs of Major U.S. Wars*, CRS Report for Congress RS22926 (Washington, DC: Congressional Research Service, June 29, 2010) <http://www.fas.org/sgp/crs/natsec/RS22926. pdf> (Jan. 31, 2011); Amy Belasco, *Statement of Amy Belasco, Specialist in U.S. Defense Policy and Budget, Congressional Research Service, before the House Budget Committee Hearing on the Growing Cost of the Iraq War, October 24, 2007* (Washington, DC: Congressional Research Service, Oct. 24, 2007) <http://budget. house.gov/hearings/2007/10.24Belasco_testimony. pdf> (July 1, 2010); Amy Belasco, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*, CRS Report for Congress RL33110 (Washington, DC: Congressional Research Service, Sep. 2, 2010) <http://www.fas.org/sgp/crs/natsec/RL33110.pdf> (Jan. 27, 2011). The three-trillion-dollar estimate comes from Joseph E. Stiglitz and Linda J. Bilmes, *The Three Trillion Dollar War: The True Cost of the Iraq Conflict* (New York: Norton 2008). In a recent article, Stiglitz and Bilmes suggest that their earlier estimate may have been too low; see "The True Cost of the Iraq War: $3 Trillion and Beyond," *Washington Post* (The *Washington Post* Co., Sep. 5, 2010) <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/03/AR2010090302200.html> (Jan. 31, 2011).

[21]Cp. Michael Scheuer, "What If Osama Calls Obama's Bluff?," *AntiWar.com* (Randolph Bourne Institute, June 9, 2009) <http://original.antiwar.coms/scheuer/2009/06/08/what-if-osama> (July 5, 2010).

[22]See Bill Kauffman, *Ain't My America: The Long, Noble History of Antiwar Conservatism and Middle-American Anti-Imperialism* (New York: Metropolitan 2008).

[23]Ahimsa Dhamapada *et al.*, "1.3 What is a Standing Army," *Lawful Arrest/Search/Seizure FAQ* (n.p., Feb. 21, 2009) <http://stason.org/TULARC/society/lawful-arrest/1-

3-What-is-a-Standing-Army.html> (July 1, 2010). This is also the source of quotations regarding standing armies at the beginning of this section.

[24]See Charles Johnson, "The Police Beat," *Rad Geek People's Daily: Official State Media for a Secessionist Republic of One* (n.p., June 11, 2009) <http://radgeek.com/gt/2009/06/11/the-police-beat-2> (July 1, 2010).

[25]"'Uh-Oh They're Here': A Persistent Blogger Annoys Police—and Winds up in Jail," *Washington Post* (The *Washington Post* Co., Aug. 10, 2009) <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/09/AR2009080902126. html> (July 1, 2010).

[26]"Drug War Clock," *DrugSense* (n.p., July 1, 2010) <http://www.drugsense.org/wodclock.htm> (Jan. 27, 2011).

[27]Some of these may have engaged in violence associated with drug transactions, rather than merely participating in these transactions peacefully. For several reasons, as I suggest below, the frequency of drug-related violence is dramatically increased by criminalization.

[28]"Drug War Prisoner Count Over Half a Million, US Prison Population at All-Time High," *Drug War Chronicle* (Drug Reform Coordination Network, Oct. 28, 2005) <http://stopthedrugwar.org/chronicle-old/409/toohigh. shtml> (July 1, 2010).

[29]Pete Guither, "Drug War Victims," *Drug WarRant* (Drug WarRant, 2010) <http://www. drugwarrant.com/articles/drug-war-victim/> (July 1, 2010).

[30]"Sex and Politics," *Woodhull Freedom Foundation* (Woodhull Freedom Foundation, 2009) <http://www. woodhullfoundation.org/sexpolitics.htm> (July 1, 2010).

[31]"Court Issues Unbelievably Stupid Sex Crime Ruling," *Alas, a Blog* (n.p., Feb. 21, 2007) <http://www.amptoons.com/blog/archives/2007/02/21/court-issues-unbelievably-stupid-sex-crime-ruling> (July 1, 2010).

[32]Naomi Wolf, "Sex Crimes in the White House," *Huffington Post* (Huffington Post, July 7, 2008) <http://www.huffingtonpost.com/naomi-wolf/sex-crimes-in-the-white-h_b_ 111221.html> (July 1, 2010).

[33]Jim Kouri, "Serial Killers and Politicians Share Traits," *Law Enforcement Examiner* (n.p., June 12, 2009) <http://www.examiner.com/examiner/x-2684-Law-Enforcement-Examiner~y2009m6d12-Serial-killers-and-politicians-share-traits> (July 5, 2010).

[34]Some guilt is rational. If I do something genuinely wrong—perhaps I employ aggressive violence, violate someone's trust, or respond with calloused hard-heartedness to a case of genuine need—I have good reason to feel bad about doing so. But lots of guilt is irrational: it arises, not from real wrongdoing, but from disregarding the supposed authority of people and institutions that seek to dominate our lives. Part of freeing your mind is ruthlessly abandoning *this* kind of guilt.

About the Author

GARY CHARTIER is Associate Dean of the School of Business and Professor of Law and Business Ethics at La Sierra University in Riverside, California. He is the author of *Anarchy and Legal Order* (CUP 2012), *Economic Justice and Natural Law* (CUP 2009), and *The Analogy of Love* (Imprint Academic 2007), as well as the co-editor (with Charles W. Johnson) of *Markets Not Capitalism: Individualist Anarchism against Bosses, Inequality, Corporate Power, and Structural Poverty* (Minor Compositions-Autonomedia 2011) and (with Roderick T. Long and Ross Kenyon) *Libertarian Theories of Class* (forthcoming); *Economic Justice and Natural Law* was the focus of a session at the 2011 conference of the American Philosophical Association's Pacific Division. His byline has appeared over thirty times in scholarly journals including the *Oxford Journal of Legal Studies*, *Legal Theory*, *Law and Philosophy*, the *Canadian Journal of Law and Jurisprudence,* the *American Journal of Jurisprudence*, and the *UCLA Law Review*, and he has been invited to serve as a book reviewer for *Ethics* and the *Notre Dame Philosophical Reviews*. His work has been cited in journals including the *Harvard Law Review*, the *Columbia Law Review*, *Jurisprudence*, the *Texas Law Review*, the *Boston University Law Review*, the *Michigan Journal of International Law*, and the *Yale Journal of Law and Feminism*, and on the legal resources website <http://www. famlawlit.com>. A keynote presenter at the 2012 Students for Liberty Philosophical Seminar, he was an invited speaker at the first Libertopia and Agora I/O events and at Individual Sovereign University's founding conference. He is a member of the Alliance of the Libertarian Left who serves on the advisory board of the *Journal of Philosophical Economics*, the editorial board of *Libertarian Papers*, the operating board of the Center for a Stateless Society, the advisory board of the Moorfield Storey Institute, and the board of directors of the North American Religious Liberty Association—West. He has discussed political and philosophical issues as a guest on *Reason TV* and *The Young Turks with Cenk Uygur*. After receiving a BA in history and political science from La Sierra (1987, *magna cum laude*), he explored ethics, theology, Christian origins, the philosophy of religion, and political philosophy at the University of Cambridge, earning a PhD (1991) with a dissertation on the idea of friendship. He graduated with a JD (2001, Order of the Coif) from UCLA, where he studied legal philosophy and US and comparative constitutional law and earned the Judge Jerry Pacht Memorial Award in Constitutional Law. A proud southern California native who wishes he had attended UC Sunnydale, he shares a slowly improving 1920 home in Riverside with his partner, Elenor Webb, and their two cats, The Kitty Madrid and Lysander Spooner the Kitty. He blogs at <http://liberalaw. blogspot.com>. He encourages you to discuss this book on-line at <http://www. facebook.com/anarchistconscience>.