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**Political Duty:
A Confession
of Skepticism**

Theo P. Perkins

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Introduction

Theo P. Perkins essay was first published in Benjamin Tucker's "Liberty" in four consecutive issues during 1892. Tucker published Perkins's piece after the liberal "Arena" had rejected it, for in Tucker's opinion.....'The subject speaks for itself, and every reader who follows the article to the end will testify that it is the product of careful thought presented in a serious yet entertaining way.'.....It is now over one hundred years since its first publication yet the essay makes arguments which remain relevant to the case for Anarchism. Today's Anarchists could do worst than to read Perkins's essay.

Political Duty: A Confession of Skepticism.

"It is well if the mass of mankind will obey the laws when made, without scrutinizing too nicely the reasons for making them." *Blackstone.*

"The great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments." *H.Spencer.*

"The whole realm of political science is as yet little better than a superstition." *Patrick Edward Dove.*

The arbitrary barriers which, in the discussion of certain kinds of questions, are set up to narrow the range of argument have been often noted. Experience teaches that some questions are not considered generally debateable throughout, and that against some opinions the strongest probabilities drawn from well-attested facts have no perceptible effect. Toil of the mind is to most people more irksome than toil of the body, to be sure; but furthermore it seems that the toil of examining the foundations of their own beliefs is wholly an unwonted task to many who are, nevertheless, well used to other and severe mental exertion. The very same person who, in discussing questions of convenience in household or business arrangements, of economy in production, and the like, will weigh evidence, balance probabilities, and express opinions without dogmatism, will, oftentimes, when the talk shifts to questions of freedom, fair play, observances, restrictions, and the like, speedily arrive at the arbitrary limits of his thought. To a certain point he is as reasonable as one

could wish. Beyond that, he demurs, is angered perhaps at what he calls the "infidel," "communistic," or "demoralizing" ideas presented, advances certain narrow generalizations of the conventional sort as if they were self-evident, and, if pushed for reasons, falls back on "the word of God," "well-established customs," "the genius of American institutions," or some similar phrase, or perhaps changes the subject, or preserves a dignified silence. Some wit has said: "Mens minds are made in water-tight compartments." This is not merely a joke; it is the metaphorical statement of a fact of human nature; and the effect of it is that an irruption of new ideas does not of necessity flood the whole mind, but may have a very limited reception and application.

The question I have chosen to bring before the readers of *Liberty* is one which is often treated in the manner indicated above. Nevertheless, knowing that the temper of my countrymen towards such questions has changed and is changing, and believing that it will long continue to change, I venture to bring it forward, choosing for it, out of several forms which might be chosen, this:

Is there sufficient reason why the people of this country should always obey the lawful commands of their official rulers?

It may be said that the question thus raised is of no present practical importance. It is probably true that its discussion is not likely to have much effect, for a long time, upon the relations between the official classes and the rest of us. It is not certain, of course, that a sheriff, a customs officer, a soldier, or a judge, would resign his office, or even change his methods, even if he did become convinced that the performance of its functions was unjust and demoralizing; nor, on the other hand, would a hungry workman, an importing merchant, or a great financier necessarily refrain from unlawful acts because his

faith in the existence and rightful authority of the State had been strengthened by argument. Nevertheless, it is highly desirable that on this question, as on others, people should think clearly and reason correctly, and that their prejudices and superstitions, if they have any, should be analyzed, and the opinions derived therefrom be confirmed, modified, or abandoned. The future advantages of such a course are likely to be great; besides the satisfaction that comes from clear thinking is considerable. Every man, too, is in the midst of powerful social forces, as well as physical forces, and the extent of his knowledge and use of them has much to do with the success or failure of his efforts. A large proportion of the people of this country, as of Europe, are in a condition that calls loudly for careful thought and wise action. The general custom, co-existent with civilization, of respecting and enforcing technical and customary claims to the control of lands, structures, and chattels without regard to the "owner's" use or non-use of them, and also without concern as to whether he or she ever produced their equivalent according to any estimate or not, has resulted (as was inevitable) in the subjection of a considerable part of the people to the continual necessity of hiring from others the space and shelter necessary for dwelling and working (1) and in very many cases of competing with each other for the privilege of working, wages, in such circumstances, necessarily either falling or (which is almost as bad) failing to rise in proportion to the growth of the productive arts and the expense of decent living. The same custom, in accordance with which some people are privileged to receive and retain goods and services from producers to an amount which is large out of all proportion to any productive work done by the recipients, makes possible a style of living which, on account of the material abundance, leisure, and control that characterize its followers, greatly

heightens the contrast in fortunes produced by differences in native and acquired abilities and by circumstances not to be controlled. In such a state of things, it is as natural for men to investigate all projects for escaping the economic evils which follow this custom as for a caged bear to shake his confining bars, and the results of their investigations,

Which (shall) be to the perfect plan

What the child is to the man,

may be seen in many directions. Following the instinct of self-preservation, workmen have banded together to resist the external forces which appear to them most hostile to their interests, but though they have sometimes succeeded, by strikes, boycotts, co-operative buying, and so forth, in diverting profits for a time from the pockets of their business adversaries into their own, the limitations of such methods and their slight effect on the general evil so long as greed restricts opportunities and men go hunting jobs are only too apparent. It is becoming tolerably clear, now, that measures which do not strike, in some manner, at property-customs are likely to prove inefficient in dealing with the glaring inequalities which naturally spring from property-customs. But, back of all the customs respecting property, and enforcing the unjust customs as well as the just ones, stand the lawmaker, the policeman, the judge, and the soldier; and back of these men is an idea, - the idea that duly qualified officials have a peculiar right to do all that they do lawfully. The importance of this idea as a buttress of the institution of property as it exists is such that it cannot possibly escape the analysis of the humanitarian reformer.

For years the complacent statesmen, like their fellows in the ecclesiastical field, pointed back to the fundamental wisdom of the fathers. For years have eminent jurists, following the example of their ancient authorities, studied precedents, split the hairs of technical distinction, and adjusted the

constitutions to the exigencies of class legislation. For years have economists and writers on public questions passed lightly over the anomalies which the concept of the State has introduced into their problems. But the time must come when this question of rightful authority, in republics no less than in monarchies, must run the gauntlet of full and free discussion, and the institutions resting upon it stand or fall by the results.

Obedience to Government officers while in the performance of their peculiar functions is, in this country, a dominant doctrine, and, in the Northeastern States at least, is, with very many people, an article of faith. While there is, in some quarters, much contempt and hatred for certain legalized institutions, it exists, usually among people who, for one reason and another, keep their opinions on such matters to themselves. The tavern-keeper, for example, whose profits are directly affected by official restrictions on liquor selling, seldom "hires a hall," or worries an editor, in order to express himself on the question of prohibition; but prudently keeps his opinions (which are usually positive and definite) for a small circle of cronies and customers. The politician, too, whose occupation makes him familiar with the hidden parts of the machinery in the local or national statute-factory, and the lawyer, who is well used to testing the tensile strength of such legislative products, have each his private opinion as to the usefulness of statutes in general and of particular statutes, - but then, such people are not expected to say unpopular things. So it comes to pass that, for the reason concisely stated by Demetrius the shrimemaker when the Pauline gospel was first preached at Ephesus, the men who could enlighten us most as to the practical workings of legalized control, instead of giving us the benefit of their experience, merely voice anew the common sentiments as to the wisdom and gloriousness of American institutions and the supreme duty of every citizen to

obey the Law.

As to editors and clergymen, they seem, with rare exceptions, not to know that there can be more than one side to the question. Besides the classes I have mentioned, there are very many persons who are too heavily burdened, or too deeply enslaved to others, to admit of their protesting against the popular dogma, even if they should wish to do so, and very many also who do protest in private, to a certain extent, but are wholly unused to any form of public expression. The ordinary leaders of public opinion have, therefore, been allowed to emphasize their side of the question with comparatively little opposition. That which is agreed upon by the lawyers, the politicians, the clergymen, and the editors is sure to be generally believed. And it is generally believed, and taught, that resistance to lawful authority is wholly inexcusable; that while it is proper and right to agitate and vote for the abolition of laws deemed unjust or unwise, it is improper and wrong, so long as the law holds its place among statutes, judicial decisions or constitutional provisions, to resist its execution or even to evade it. The mere disobedience of a statutory provision, such as smuggling, for example, is confounded in many people's minds with deeds of actual injustice or cruelty to one's fellow-man, and all are said, without discrimination, to be "wrong" or "criminal." And yet - and yet - I have not, up to this time, found any one able to give anything like a satisfactory reason for this doctrine. The reader shall see the most cogent reasons I have seen, and my comments upon them.

1.) "The State certainly has a right to regulate the conduct of its citizens for the common good."

As thus stated, the proposition secures general assent. It is, however, in effect (however sincerely it may be brought forward), not a reason, but an evasion. It would seem strangely

incongruous, in a country where all men's rights are supposed to be equal, to say that any officials, however much respected, have rights of control, and it is probable that the word "State" owes much of its popularity to an ill-defined perception of this incongruity. For the great, impersonal, theoretically-beneficent State to possess rights superior to those of the individual does not seem unfair or dangerous, and this doubtless accounts largely for the use of the word. It requires, however, only a little keenness of perceptition to see that the question is simply begged in this form of answer; for the question, "what is the State, and where did it get its rights?" at once suggests itself.

To this question a variety of answers may be given. It may be said, for example, that the State is a divine institution, and that God has delegated to it its rights. It seems a little hard to be asked to discuss this theory seriously, at this late day; yet they who hold it are in earnest, and should be fairly met. So, risking the lofty scorn of the unreconstructed cleric for presuming to criticise a Bible doctrine, as well as the mild contempt of those who have long dismissed from their minds the extravagant claims of the Christian doctrinaires, I venture to point out some of the implications which this theory brings with it. Whatever be the proof-texts relied upon; whether it is held, with Peter, that men should "submit themselves unto every ordinance of man for the Lord's sake, as unto them that are sent by him for the punishment of evil doers"; or again, that we should "honor the king" (by disregarding which precept our ancestors honored themselves); or whether it be said, with Paul, that "the powers that be are ordained of God," - the application of the text is the same, to wit: that Government belongs of right to God; that our rulers, by virtue of their official positions, and when acting conformably to existing laws, hold a kind of power of attorney from the Almighty, and that,

governmental restrictions, as virtually a part of God's law are binding on all human consciences. This doctrine is seldom circumstantially taught or explained in public (which seems fortunate for the feelings of its supporters), but is often taught as a general principle in places and on occasions which secure for it a sort of semi-publicity, and hints and fragments of it are to be found in very many speeches and writings.

It is charitable to suppose that they who hold this doctrine are not over-familiar with the details of the art of law-making as practiced in our cities and at the seats of State and National governments. Few of them, it may be safely presumed, have been used to sit up o' nights with city council committees, lobbyists, or caucus manipulators. They have probably not been favored, as a rule, with the intimacy of those paired legislators who, as old Butler has it,

may be said

To lie in Honor's *truckle* bed.

and would, perhaps, be surprised to learn that laws are often made to satisfy private greed, to "deliver the goods" promised in ante-election bargains, and sometimes for the mere convenience of officials. Few experiences are wholly useless, and if the people who so confidingly (and confoundingly) associate the all-wise decrees of their venerable deity on equal terms with those of the modern law-brokers could breathe for awhile the air of congressional, legislative, or aldermanic halls, they might learn to sort their ideas with more care. Some of them, I fear, would be tempted to say of the legislative world what Lord Howe, in Mrs Browning's poem, says of the world in general:

They say God made it once, but if He did,
'Twas so long since, and since we have spoiled it so,
He scarce would know it, if He looked this way,

From hells we preach of, with the flames blown out.

They who hold the doctrine in question must, when they come to think deeply upon it, arrive at a curious dilemma. On the one hand is the undeniable fact that laws, both general and special, bearing upon large numbers of people, are very often the expression of greed, rapacity, and lust for power of the ruling classes. On the other hand is the theory (equally dear to these disciples with the fact) that God's laws are all wise and good. Now, while Christians do teach, as a part of their system, that God can and does use the wickedness of the wicked for good ends, it is not argued anywhere, I believe, that he sanctions their evil deeds. How, then, can the fact and theory be reconciled? for reconciled they must be, if people who have good wits and use them are to be drawn and held to this dogma. Moreover, there are the inevitable questions of detail, which must ever test the knowledge of those who pretend to understand the divine government, and which must be answered, if their teachings on this point are to be of practical use to the consciences of living men, - in this case such as these:

How many people, or how many square miles of land, are needful to constitute a State whose decrees shall be binding on the conscience? Will they be binding "where two or three are gathered together"? or is a greater number required? And is any number too great?

Can a State exist within a State? If so, then in the very common case of a conflict of laws, which State, the greater or less, will usually receive the divine sanction?

In case of secession, does God's approval go with the party of the more humane and progressive ideas, or with the party which conducts itself in the more legal and constitutional manner?

In case of war between two States, are we to infer that one of them has forfeited the divine sanction? and if so, how can the fact be determined in advance? Or are God's elect fighting each other?

Is the saying of Napoleon that Providence is on the side of the heaviest battalions a true one? If not, then can a State which owes its origin and continuance to force and bloodshed claim the divine sanction for its laws?

Are there two kinds of States, - a kind whose laws are binding on the conscience and a kind whose laws may be blamelessly disobeyed. And if so, how can they be distinguished?

Again: can it be possible that His ancient and indefatigable Majesty the Devil, who (according to the Christians) is ever seeking opportunities for evil, refrains from meddling with the making and executing of laws? The theory of divine delegation of authority to the officials seems to point that way, yet many people, I am sure, will receive the suggestion with the greatest incredulity. But if he does not refrain; if, on the contrary (as many people think), he is much given to pernicious activity in politics, then it will have to be admitted - will it not? - that some at least, of the powers that be are ordained of the Devil? Whence it follows that, instead of submitting ourselves unto every ordinance of men for the Lord's sake, we ought to oppose ourselves unto some of the ordinances of men for the Devil's sake, - this implying, of course, a choice between God's laws and the Devil's; and where is the Pope who shall tell us which is which?

But the thing becomes too absurd. The theory of divine delegation is not suited to the times. It agreed excellently well with the old idea of local or neighborhood gods, but its application to a first-class cosmopolitan or universal god tends to make him ridiculous in men's eyes. I pass to another theory of the State - the popular one - very ill-defined, and consistent

neither with itself nor with the facts, yet answering the purpose of many a man highly respected for political wisdom. The State, as thus viewed, is supposed to be a kind of person, (2) having rightful authority over all people within certain territorial boundaries, which authority is said to be derived from the people. It is supposed to have "honor," "sovereignty," and "majesty," as if it were a king. Willing acknowledgement and support of it is called "patriotism," and is reckoned a virtue, which virtue reaches its intensest expression in the famous phrase, "Our country, right or wrong," and is apt to become relaxed by the broadening of view and sympathy which comes to a man or woman from intercourse with foreigners and extended knowledge of the wonderfully various phases of human life. Fundamental dissent from its rules and disobedience of them is called "treason," and is supposed to be more or less culpable, according to the depth of prejudice of him who sits in judgement. The State is also popularly supposed to be rightfully in possession of all the privileges claimed for it by existing constitutions, statutes, ordinances, and judicial decisions, which privileges, it is assumed, may be rightfully increased or diminished at the next sessions of Congress, the Legislatures, the Supreme Courts, the Boards of Aldermen or Selectmen, provided that in so doing the customs and injunctions of generations dead and gone are strictly observed.

While possessing all the above attributes and powers, the State, in America, is also supposed to be the embodiment of certain principles expressed in well-known popular formulas. It is supposed, for example, to be a "government of the people, by the people, and for the people," and to derive its just powers (all the powers claimed by the statute-books and judges are assumed to be just) from the "consent of the governed," - a phrase that will be dissected later. While it is often conceded,

in a deprecating way, that its rules and practice are "not perfect, of course," it is worthy of note that *no corresponding imperfection in the obligation to obey it is admitted for a moment*; on the contrary, to attempt to oppose its authority openly, or to evade it by any means save those bearing its own sanction, is held to be wholly wrong and deserving of violence.

It needs but little logic to show the absurdity and inconsistency of this popular conception. After what has been said in describing it, and considering what will be said later, it must suffice to point out here that, according to it, the very same action is, in many cases, right in one locality and wrong in another; that its pretended derivation of power from the people is a transparent humbug, its real basis being the customs of present and past generations (which are stupidly assumed to be binding upon us because accepted or endured by our fathers) and the conventionally-expressed opinions of a small proportion (much less than half) of the adult population, largely manipulated by its political leaders. Moreover, one may not reasonably expect the popular idea of the State to be logical and consistent. Since most people carry their logic but little farther than their own every-day affairs, popular ideas concerning any large question are apt to be illogical; and besides, the institution called Government is one of the most illogical and inconsistent of all phenomena, being, to a greater degree, the product of superstition, caprice, arbitrary tyranny, and political bargaining, extending through many generations. I must, therefore reject both the ecclesiastical and the popular conceptions of the State, - the former because it rests wholly upon the doubtful foundation of tradition, and is incidentally absurd, and the latter because it is crude and inconsistent, - qualities which are far more damaging to theories than to men.

What, then, shall we do with the word? Two ways of dealing with it suggest themselves: either to use it in a definite and

comprehensible sense, or to abandon it as one of those "impostor-terms" containing unwarranted assumptions and tending to befog argument. Taking up the first course, I submit the following definition, trusting that it will be found at least reasonably clear and consistent with the facts:

STATE: a corporation whose members are; (a) The officers (legislative, judicial, and executive) in any particular political combination, such as an empire, kingdom, or republic, or any political subdivision of the same; for example, of the Russian Empire, the United Kingdom of Great Britain and Ireland, the Republic of France, or of the United States of America, or, to take smaller divisions, - similar, however, in character, - the State of Massachusetts, the Department of the Seine, the City of Vienna, or the Town of Concord.

(b) All persons who willingly and usually uphold the said officers by word and deed, in the discharge of their respective functions. This second class includes, roughly speaking, all persons within the specified boundaries who are not included in class (a), with the following noteworthy exceptions:

1. Most persons under eighteen years.
2. Persons much isolated from their fellows, either by residence, or by political apathy, or both. Such persons are sometimes consciously related to simple local "States," while almost unconscious of larger ones, until driven by administrative tyranny to recognize them as enemies(3).
3. Persons who recognize government officials as the agents of a political combination more or less hostile to their interests, and submit to their objectionable rules as little as possible, and for prudential reasons only.

Having found a sense in which the word "State" may be used without confusion and untruth, what have we? Simply a corporation like any other, having, of course, no objective reality, - not being real in the sense in which a tree or a man is

said to be real, but existing in men's imaginations as an entity because it is convenient to group under one name many things or persons which are similar, or which act together, - in short, as real as the New York Central Railroad Company or the Republican Party, no more so and no less; composed of a limited number of people who recognize the combination as including them for certain purposes specified by agreement. Having thus defined the State, however, we are, apparently, as far as ever from assigning any source for the sweeping authority which its officers exercise; and in truth, unless the State can be shown to be something greater and higher than any portion, however large, of the inhabitants of its territory (which is highly improbable), it seems better wholly to eliminate the word from this discussion. For, if it be retained, they who defend its broad authority have still before them the task of accounting for it, as it is clearly impossible that an entity which exists only by courtesy of the imagination should be recognized, after its real nature has become known, as an original source of authority. With a view, therefore, to the pruning of useless matter from this article, I leave this convenient intermediary word to that quasi-metaphorical use for which alone it is fit, and proceed to seek directly for reasons why some men should be indulged in the habit of ruling over the rest. Here is one of them:

"Public officers should be obeyed in their lawful commands because their activity rests on the consent of the governed."

The consent of the governed! To whom does that refer? Obviously neither the United States nor any State, city, or town government has at any time the consent of *all* the governed within its borders to the things done under cover of its authority, - not always, even, to its general scheme. The kind of consent, then, which forms the actual basis of our government is the consent of *some* of its governed. With what

fairness can a government thus based demand the obedience of those who do not consent?

Then, too, consider the multitude of people who are opposed to various details of government. Think of the numbers of people who hate all sumptuary laws, of those who believe in free trade, of those who think themselves unjustly taxed, - is not their name Legion? Remember the host of young people who come, every year, in this country, to the age when they are expected to stand as men and women among their fellows; suppose it were the custom (and a very good custom it would be) to ask each, at such a time, after setting out the facts fully and fairly, if he or she were willing to abide by the existing scheme of government, to pay such and endure such restrictions as should be fixed upon by the conventionally-chosen officials. Would all consent? Would there not inevitably be some dissenting voices? And would not many who did consent be sorry for it, at times, afterwards?

Again, consider the Indian tribes, called by a courtesy bitterly ironical, "the wards of the Nation," but more accurately described as the prey of the Politicians. See them, driven from lands which are theirs both by occupation and by treaty, ostensibly for their own good, but really for the gain of the land-boomer, that rascally product of the institution of Property in Land, - harried, cheated, starved, and if they resist, murdered sometimes by United States troops! Is it not stretching, nay, *rending* the truth to say that these classes are governed, in these particulars, with their consent? Is not this, too, a humbug, this theory of the consent of the governed, as applied to government in the United States? It seems so to me, - and I suggest, in the interest of sound knowledge, that in the text books of the future a foot-note be added to the old Declaration, to read somewhat like this: "Inasmuch as it is highly improbable that any government covering any

considerable territory has ever had, for a single day, the consent of all the governed within its borders, it is evident that some reason other than consent must be given, if the hypothesis of *just* governmental powers is to be maintained."

However anxious some few people may have been, in the last century, to set up a government that should in truth rest upon the consent of the governed, the idea must needs have been abandoned at the first making of rules for habitual control, based as they were, by a necessity of mental limitation, on the customs of Europe. For a government really resting on the consent of the governed, which means "the people governing themselves," if I may borrow a phrase which Mr. Bellamy has so mistakenly applied to the theory of the existing government, would be so unlike anything we call government to-day that it would be generally considered, by people like those now living in civilised countries, as no government at all. Obviously, the amount and degree of consent to official acts that actually exists among us is, when considered as a basis for a strict obligation of obedience binding upon all, wholly insufficient.

But let us look at another reason:

"The men who are, for the time, in power, rule with the consent of the majority, and that is enough. The majority have a clear right to control the minority."

Now we approach the heart of the question. Control of the people in the name of the majority is the prevailing method of government in America, from Senate Chamber to Town Hall. Majority-rule, consent or no consent, is the theory of the American politician and his supporters, and, of all political theories, this is the one most thoroughly believed in and most widely exemplified among us. (3)

Let us examine it.

The theory of majority-right, stated baldly and applied illustratively to individuals, for the sake of greater clearness, is

this:

Brown and Jones, because they are two and their neighbor Robinson is only one, have a sacred right to enforce upon him such regulations as they may decide to be for the good of all three, and Robinson is in duty bound to obey said regulations with the rest. If, however, the unsatisfied Robinson can contrive to win either of his neighbors to his way of thinking, though the obligation to obey will be as sacred as ever, the object of obedience may be materially changed, in very accordance with the Robinsonian opinions or prejudices. No matter how tyrannical, how whimsical, how progressive, or how retrogressive a law may be, the only essential point, so far as the duty of obedience is concerned, is that its supporters shall be more numerous than those opposed to it, - that is the theory of majority-right. Of course it goes without saying that we do not have majority-rule, or even a close approximation to it, in this country. What we do have is the rule of *the majority of the representatives of the majority of the adult males*, varied by one-man-power and ring manipulation, - which is not the same thing. But suppose we did have majority-rule; would a man who dissented from the judgement of the majority and disobeyed it necessarily deserve condemnation? Does any deep moral significance attach to numbers? Is there any law written in man's perceptions, or in the natural order of things, that sanctions so crude a method? Can he who makes the approval of the multitude his criterion of wisdom truthfully claim any higher sanction for his decision than if he had selected a few counsellors and adopted theirs? Can it be possible that a halo of anything more sacred than mere prudence crowns a custom under which, as Carlyle says, "the vote of Judas Iscariot is as good as that of Jesus Christ"? Do thoughtful people, in non-political affairs, stigmatize a man for preferring individuality to the following of prevailing customs?

No, the thing is absurd, on the face of it and in the depths of it, and only goes to show what a wonderful variety of foolishness is proclaimed from time to time as sacred and binding upon all. When it can be soberly stated and successfully shown that the odd man who is lugged in to break a tie vote is sure to be on the right side, and therefore ought to have the privilege of binding or loosing the consciences of the rest on the question at issue, it will be time to adopt majority-right as an article of faith, - not before.

"Invariable obedience to the officials is a duty because laws and men to enforce them are a necessity. Without them we should have mob-law and anarchy, and peaceful prosperity would be impossible."

Assuming that by "anarchy" is meant confusion (though such a use of the word is straining it from its derivation), we will look at this reason. It may be admitted that in the most general sense laws and men to execute them appear to be as necessary to civilized life as many other things called necessary. It is highly probable that, if the fundamental laws, or most of them, should be suddenly abolished, much confusion would follow, for a time, at least. But not all laws are fundamental; not all are even necessary in any sense; some are positively destructive to peaceful prosperity, while others exist, apparently, for no better reason than to remind the populace that they have masters. And surely it does not follow, because a certain measure of regulation is found indispensable, that officials who have, even with the authorization of other officials, done unjustly, should not be taught, in the most effective way, that some degree of tyranny will not be endured. Besides, to allow any one class to exercise a monopoly of the use of force endangers freedom; men should be encouraged, and not forbidden, to defend themselves against outrage.

"But obedience to law is an American custom, and we ought

to revere and follow the traditions of the fathers."

It is true that our laws are based upon the customs of the fathers, and moreover it is probably true that the various theories that have been invented, in all ages, to justify the ways of the officials to their fellows have been far less effective in restraining aggrieved subjects than the simple inertia of custom. Curiously enough, however, while the man who, in this age, practises ancestor-worship by clinging to the mechanical devices or the business methods of his grandfather is in danger of open ridicule, and the man who worships his grandfather by holding fast his theological prejudices subjects himself to a mild yet steadily growing contempt, the political and social dogmas embodied in the constitutions of our great-grandfathers and in the judicial decisions of *their* great-grandfathers are, in changed and unchanged forms, still widely respected in circles otherwise intelligent and progressive. Yet it is hard to see why the privilege of heresy, of innovation, should not be as freely accorded in one field as in another, and its practises judged, not arbitrarily, beforehand, but from the results of experience. "To be as good as our fathers," said Wendall Phillips, "we must be better"; and Thomas Jefferson explicitly urged the need of a radical innovation, in the form of a forcible popular uprising, about once in a generation. Innovations there must and will be, until the mind of man stops growing, and it seems highly desirable that all departments of activity should grow somewhat evenly together, and that those which, like the doing and enforcing of equity, have lagged behind the rest, should be brought up in to line. We doubtless owe much of the social tension of to-day to the working of the new wine of Industrial Innovation, in the cob-webbed and dusty wine-skins of Ancient Proprietary Custom. And the remedy is - more symmetrical growth.

And now, recurring to the main question, and having

considered the various arguments which appear in such a variety of forms and are supposed to be so conclusive, I must answer it in the negative. The strict obligation, binding upon all, to obey the lawful commands of the official class is, in my opinion, a political fiction of the same general character as the ecclesiastical fiction of papal infallibility. Mankind is an everchanging mass of growing individuals: endless variation is a law of life, and especially of civilised life. Interference by one in the affairs of another, which is constantly going on, in all sorts of ways and by all sorts of people, cannot fairly be judged by cast-iron rules based either on the customs of the past or the dicta of any class, however chosen, but should be freshly considered in the light of all its circumstances and of the facts of human experience up to date, so far as known. And the action of the official meddler (since neither of them can, in the nature of things, ever be authorized beyond question), should in fairness be considered as upon his own risk and responsibility, and that of those who voluntarily support and uphold him. Resistance to official action, then, may be, and in fact often is, as justifiable as any other kind of self-defence. Though A and B may have agreed to authorize C to coerce or punish D, still D, if he has not agreed to the arrangement, is not necessarily bound to submit, even though his ancestors and his neighbours have all been used to submit in like cases; 'tis never too late to start a new custom. How far he may be justified in carrying his resistance must ever be an open question, depending on circumstances and opinions.

The fundamental errors underlying the institution of government as it exists in civilized countries are, first, the idea that large numbers of people, differing widely in birth, education, and surroundings, ought to conform to a large number of uniform rules; and, second, the idea that it is possible, by means of legal formalities, to give to some people

rightful, exclusive privileges of ruling, for longer or shorter periods, over the rest. These false assumptions furnish a basis for the humbug of legislation, with its attendant mischiefs; the *criminalizing* of numbers of innocent actions, which confuses the moral ideas of the young and ignorant; the creation of market-values attaching to offices, special legal privileges, permissions, and immunities from arrest, which market values are as surely produced by legislation as a head of water is produced by damming a stream; compulsory contribution, or taxation, with its wasting of wealth and destructive diversion of industry; political wars, in which the persons most to blame, instead of killing each other, are able to involve millions of their respective countrymen, who might, but for them, mind their own peaceful business; and many others. The evils of habitual government, instead of arising, as some think, from imperfect administration of a body of substantially perfect laws (though how such laws could have been made, under either past or existing conditions, is not clear), probably spring from the unfitness of the institution itself for human needs. Given a people who work on the theory that men of ordinary sanity must have guardians chosen regularly from their number in order to square the lives of all with the customs of the fathers, and a widespread perversion of effort will surely follow, whereby the growth of honest and industrious producers of wealth will be hindered, and the manufacture of petty tyrants, favorites, bribers, hypocrites, and slaves will be encouraged. So long as the nature and environment of humanity compel men to differ on many matters of common interest, so long will habitual government, no matter with what fashionable fallacies it may be cloaked, be the rule of one class of men over the rest. It is extremely improbable that any class of men exists with sufficient intelligence and forbearance to rule a large community and give substantial equality of privilege; it is

certain that there is no known method of securing such men. Apologists for the principles of existing governments seem not to understand that the only thing that could make legislative and judicial decrees binding, in spite of private judgement, upon the consciences of intelligent men, is precisely the thing that has never yet appeared and probably never will, - to wit, a demonstration that the men who enacted the said decrees possessed, at the time, that ideal wisdom and goodness which is generally considered (and with good reason) to be out of human reach. From nothing comes nothing; how, then, can a law be more sacred than the men who made it?

It is not here contended, of course, that our rulers are always useless or harmful, but that, while they are quite as likely to be useless and harmful as other men, a superstitious regard for ancient customs causes men to act towards them, in many ways, as if they were not. There is, it is true, a desirability, which sometimes may fairly be called a general necessity, that many of the things they are chosen to do should be done. It does not, however, follow that men who either cannot see the necessity or prefer to have it satisfied in some other way are under any obligation to assist or pay the politically-authorized persons merely because the men called legislators have commanded it, nor that they who do the necessary things have any more or better right to do them than others have. The farther the ruling classes, as such, go beyond actions proper for the common defence against imminent or actually-existing calamities and for the economical maintenance of works used in common by nearly all; the more they theorize about National Dignity, Education, Prevention of Vice, Stimulation of Virtue, Regulation of Industry, and the like, and put their theories into practice to the profit of a few and at the expense of all the rest, the more absurd do their pretensions to rightful authority appear, and the more urgent becomes the need for

some form of resistance.

And though resistance does not of necessity imply violence on the part of those who resist, yet officials who are disposed (as officials often are) to enforce an unjust law at all hazards have only themselves and their advisors to blame if, on such occasions, the timeworn notion of Political Duty shall give way before the juster, more modern, and more reasonable idea of equality of privilege, or Equal Rights. Intimidation, violence, and bloodshed are bad, but - "let *messieurs the policemen* set the example"!

T. P. Perkins

(1.) Is it a slight thing that the ordinary young man who has to support himself is confronted, at the outset of his responsible career, by the alternative of either leaving his own neighborhood or paying (often an absentee) for the privilege of staying there? Will the poor never cease to respect the claims of vacant land hoarders and their heirs and assigns?

(2.) "The State and country are *moral beings*, with a will, a conscience, a history, a responsibility." - Senator Hoar of Mass.

(3.) "If the majority have no right to rule, then our faith is vain, - we are yet in our sins." - Thomas B. Reed.