Chapter Two

I

As far back as one can follow the run of civilization, it presents two fundamentally different types of political organization. This difference is not one of degree, but of kind. It does not do to take the one type as merely marking a lower order of civilization and the other a higher; they are commonly so taken, but erroneously. Still, less does it do to classify both as species of the same genus-to classify both under the generic name of government," though this also, until very lately, has always been done, and has always led to confusion and misunderstanding.

A good example of this error and its effects is supplied by Thomas Paine. At the outset of his pamphlet called *Common Sense*, Paine draws a distinction between society and government. While society in any state is a blessing, he says, "government, even in its best state, is but a necessary evil; in its worst state, an intolerable one." In another place, he speaks of government as "a mode rendered necessary by the inability of moral virtue to govern the world." He then proceeds to show how and why government comes into being. Its origin is in the common understanding and common agreement of society; and "the design and end of government," he says, is "freedom and security." Teleologically,[1] government implements the common desire of society, first, for freedom, and second, for security. Beyond this, it does not go; it contemplates no positive intervention upon the individual, but only a negative intervention. It would seem that, in Paine's view, the code of government should be that of the legendary king Pausole who prescribed but two laws for his subjects, the first being, *Hurt no man*, and the second, *Then do as you please*; and that the whole business of government should be the purely negative one of seeing that this code is carried out.

So far, Paine is sound as he is simple. He goes on, however, to attack the British political organization in terms that are logically inconclusive. There should be no complaint of this, for he was writing as a pamphleteer, a special pleader with an *ad captandum*[2] argument to make, and as everyone knows, he did it most successfully. Nevertheless, the point remains that when he talks about the British system, he is talking about a type of political organization essentially different front the type that he has just been describing; different in origin, in intention, in primary function, in the order of interest that it reflects. It did not originate in the common understanding and agreement of society; it originated in conquest and confiscation.[3] Its intention, far from contemplating "freedom and security," contemplated nothing of the kind. It contemplated primarily the continuous economic exploitation of one class by another, and it concerned itself with only so much freedom and security as was consistent with this primary intention; and this was, in fact, very little. Its primary function or exercise was not by way of Paine's purely negative interventions upon the individual, but by way of innumerable and most onerous positive interventions, all of which were for the purpose of maintaining the stratification of society into an owning and exploiting class, and a property-less dependent class. The order of interest that it reflected was not social, but purely anti-social; and those who administered it, judged

by the common standard of ethics, or even the common standard of law as applied to private persons, were indistinguishable from a professional criminal class.

Clearly, then, we have two distinct types of political organization to take into account; and clearly, too, when their origins are considered, it is impossible to make out that the one is a mere perversion of the other. Therefore, when we include both types under a general term like *government,* we get into logical difficulties; difficulties of which most writers on the subject have been more or less vaguely aware, but which, until within the last half-century, none of them has tried to resolve.

Mr. Jefferson, for example, remarked that the hunting tribes of Indians, with which he had a good deal to do with in his early days, had a highly organized and admirable social order, but were "without government." Commenting on this, he wrote to Madison that "it is a problem not clear in my mind that [this] condition is not the best," but he suspected that it was "inconsistent with any great degree of population." Schoolcraft observes that the Chippewas, though living in a highly-organized social order, had no "regular" government. Herbert Spencer, speaking of the Bechuanas, Araucanians and Koranna Hottentots, says they have no "definite" government; while Parkman,[4] in his introduction to *The Conspiracy of Pontiac,* reports the same phenomenon, and is frankly puzzled by its apparent anomalies.

Paine's theory of government agrees exactly with the theory set forth by Mr. Jefferson in the Declaration of Independence. The doctrine of natural rights, which is explicit in the Declaration, is implicit in *Common Sense;*[5] and Paine's view of the "design and end of government" is precisely the Declaration's view, that "to secure these rights, governments are instituted among men"; and further, Paine's view of the origin of government is that it "derives its just powers from the consent of the governed." Now, if we apply Paine's formulas or the Declaration's formulas, it is abundantly clear that the Virginian Indians had government; Mr. Jefferson's own observations show that they had it. Their political organization, simple as it was, answered its purpose. Their code-apparatus sufficed for assuring freedom and security to the individual, and for dealing with such trespasses as in that state of society the individual might encounter - fraud, theft, assault, adultery, murder. The same is as clearly true of the various peoples cited by Parkman, Schoolcraft and Spencer. Assuredly, if the language of the Declaration amounts to anything, all these peoples had government; and, all these reporters make it appear as a government quite competent to its purpose.

Therefore, when Mr. Jefferson says his Indians were "without government," he must be taken to mean that they did not have a type of government like the one he knew; and when Schoolcraft and Spencer speak of "regular" and "definite" government, their qualifying words must be taken in the same way. This type of government, nevertheless, has always existed and still exists, answering perfectly to Paine's formulas and the Declaration's formulas; though it is a type which we also, most of us, have seldom had the chance to observe. It may not be put down as the mark of an inferior race, for institutional simplicity is in itself by no means a mark of backwardness or inferiority; and it has been sufficiently shown that in certain essential respects the peoples who have this type of government are, by comparison, in a position to say a good deal for themselves on the score of a civilized character. Mr. Jefferson's own testimony on this point is worth notice, and so is Parkman's. This type, however, even though documented by the Declaration, is fundamentally so different from the type that has always prevailed in history, and is still prevailing in

the world at the moment, that for the sake of clearness, the two types should be set apart by name as they are by nature. They are so different in theory that drawing a sharp distinction between them is now probably the most important duty that civilization owes to its own safety. Hence it is by no means either an arbitrary or academic proceeding to give the one type the name of *government*, and to call the second type simply *the State*.

[1] Teleological -- purposeful development toward a final end.

[2] ad captandum -- Latin for 'catching'. A phrase used adjectivally sometimes of attempts to catch or win popular favor.

[3] Paine was, of course, well aware of this. He says, "A French bastard, landing with an armed banditti, and establishing himself king of England against the consent of the natives, is in plain terms a very paltry rascally original." He does not press the point, however, nor in view of his purpose should he be expected to do so.

[4] Francis Parkman (1823-1893). American historian and author. Among the many works he wrote or edited, a few of the most popular were: *The California and Oregon Trail* (1849), *History of the Conspiracy of Pontiac* (1851), and *The Discovery of the Great West* (1869).

[5] In *Rights of Man*, Paine is as explicit about this doctrine as the Declaration is; and in several places throughout his pamphlets, he asserts that all civil rights are founded on natural rights, and proceed from them.

II

Aristotle, confusing the idea of the State with the idea of government, thought the State originated out of the natural grouping of the family. Other Greek philosophers, labouring under the same confusion, somewhat anticipated Rousseau in finding its origin in the social nature and disposition of the individual; while an opposing school, which held that the individual is naturally anti-social, more or less anticipated Hobbes by finding it in an enforced compromise among the anti-social tendencies of individuals. Another view, implicit in the doctrine of Adam Smith, is that the State originated in the association of certain individuals who showed a marked superiority in the economic virtues of diligence, prudence and thrift. The idealist philosophers, variously applying Kant's transcendentalism to the problem, came to still different conclusions; and one or two other views rather less plausible, perhaps, than any of the foregoing, have been advanced.

The root-trouble with all these views is not precisely that they are conjectural, but that they are based on incompetent observation. They miss the invariable characteristic marks that the subject presents; as, for example, until quite lately, all views of the origin of malaria missed the invariable ministrations of the mosquito, or as opinions about the bubonic plague missed the invariable mark of the rat-parasite. It is only within the last half-century that the historical method has been applied to the problem of the State.[6] This method runs back the phenomenon of the State to its first appearance in documented history, observing its invariable characteristic marks, and drawing inferences as indicated. There are so many clear intimations of this method in earlier writers - one finds them as far back as Strabo - that one wonders why its systematic application was so long deferred; but in all such cases, as with malaria and typhus, when the characteristic mark is once determined, it is so obvious that one always wonders why it was so long unnoticed. Perhaps, in the case of the

State, the best one can say is that the cooperation of the *Zeitgeist* was necessary, and that it could be had no sooner.

The positive testimony of history is that the State invariably had its origin in conquest and confiscation. No primitive State known to history originated in any other manner.[7] On the negative side, it has been proved beyond peradventure that no primitive State could possibly have had any other origin.[8] Moreover, the sole invariable characteristic of the State is the economic exploitation of one class by another. In this sense, every State known to history is a class-State. Oppenheimer defines the State, in respect of its origin, as an institution "forced on a defeated group by a conquering group, with a view only to systematizing the domination of the conquered by the conquerors, and safeguarding itself against insurrection from within and attack from without. This domination had no other final purpose than the economic exploitation of the conquered group by the victorious group."

An American statesman, John Jay,[9] accomplished the respectable feat of compressing the whole doctrine of conquest into a single sentence. "Nations in general," he said, "will go to war whenever there is a prospect of getting something by it." Any considerable economic accumulation, or any considerable body of natural resources, is an incentive to conquest. The primitive technique was that of raiding the coveted possessions, appropriating them entire, and either exterminating the possessors, or dispersing them beyond convenient reach. Very early, however, it was seen to be in general more profitable to reduce the possessors to dependence, and use them as labour-motors; and the primitive technique was accordingly modified. Under special circumstances, where this exploitation was either impracticable or unprofitable, the primitive technique is even now occasionally revived, as by the Spaniards in South America, or by ourselves against the Indians. But these circumstances are exceptional; the modified technique has been in use almost from the beginning, and everywhere its first appearance marks the origin of the State. Citing Ranke's observations on the technique of the raiding herdsmen, the Hyksos, who established their State in Egypt about B.C. 2000, Gumplowicz remarks that Ranke's words very well suns up the political history of mankind.

Indeed, the modified technique never varies. "Everywhere we see a militant group of fierce men forcing the frontier of some more peaceable people, settling down upon them and establishing the State, with themselves as an aristocracy. In Mesopotamia, irruption succeeds irruption, State succeeds State, Babylonians, Amoritans, Assyrians, Arabs, Medes, Persians, Macedonians, Parthians, Mongols, Seldshuks, Tatars, Turks; in the Nile valley, Hyksos, Nubians, Persians, Greeks, Romans, Arabs, Turks; in Greece, the Doric States are specific examples; in Italy, Romans, Ostrogoths, Lombards, Franks, Germans; in Spain, Carthaginians, Visigoths, Arabs; in Gaul, Romans, Franks, Burgundians, Normans; in Britain, Saxons, Normans." Everywhere we find the political organization proceeding from the same origin, and presenting the same mark of intention, namely: the economic exploitation of a defeated group by a conquering group.

Everywhere, that is, with but the one significant exception. Wherever economic exploitation has been for any reason either impracticable or unprofitable, the State has never come into existence; government has existed, but the State, never. The American hunting tribes, for example, whose organization so puzzled our observers, never formed a State, for there is no way to reduce a hunter to economic dependence and make him hunt for You.[10] Conquest and confiscation were no doubt practicable,

but no economic gain would be got by it, for confiscation would give the aggressors but little beyond what they already had; the most that could come of it would be the satisfaction of some sort of feud. For like reasons, primitive peasants never formed a State. The economic accumulations of their neighbours were too slight and too perishable to be interesting;[11] and especially with the abundance of free land about, the enslavement of their neighbours would be impracticable, if only for the police problems involved.[12]

It may now be easily seen how great the difference is between the institution of government, as understood by Paine and the Declaration of Independence, and the institution of the State. Government may quite conceivably have originated as Paine thought it did, or Aristotle, or Hobbes, or Rousseau; whereas the State not only never did originate in any of those ways, but never could have done so. The nature and intention of government, as adduced by Parkman, Schoolcraft and Spencer, are social. Based on the idea of natural rights, government secures those rights to the individual by strictly negative intervention, making justice costless and easy of access; and beyond that it does not go. The State, on the other hand, both in its genesis and by its primary intention, is purely anti-social. It is not based on the idea of natural rights, but on the idea that the individual has no rights except those that the State may provisionally grant him. It has always made justice costly and difficult of access, and has invariably held itself above justice and common morality whenever it could advantage itself by so doing.[13] So far from encouraging a wholesome development of social power, it has invariably, as Madison said, turned every contingency into a resource for depleting social power and enhancing State power.[14]

As Dr. Sigmund Freud has observed, it can not even be said that the State has ever shown any disposition to suppress crime, but only to safeguard its own monopoly of crime. In Russia and Germany, for example, we have lately seen the State moving with great alacrity against infringement of its monopoly by private persons, while at the same time exercising that monopoly with unconscionable ruthlessness. Taking the State wherever found, striking into its history at any point, one sees no way to differentiate the activities of its founders, administrators and beneficiaries from those of a professional criminal class.

[6] By Gumplowicz, professor at Graz, and after him, by Oppenheimer, professor of politics at Frankfort. I have followed them throughout this section. The findings of these Galileos are so damaging to the prestige that the State has everywhere built up for itself that professional authority in general has been very circumspect about approaching them, naturally preferring to give them a wide berth; but in the long run, this is a small matter. Honourable and distinguished exceptions appear in Vierkandt, Wilhelm Wundt, and the revered patriarch of German economic studies, Adolf Wagner.

[7] An excellent example of primitive practice, effected by modern technique, is furnished by the new State of Manchoukuo, and another bids fair to be furnished in consequence of the Italian State's operations in Ethiopia.

[8] The mathematics of this demonstration are extremely interesting. A resume of them is given in Oppenheimer's treatise *Der Staat*, ch. 1, and they are worked out in full in his *Theorie der Reinen und Politischett Oekonomie*.

[9] John Jay may be most remembered for stating *"Let it be remembered that civil liberty consist, not in a right to every man to do just what he pleases, but it consists in an equal right to all citizens to have, enjoy, and do, in peace, security and without molestation, whatever the equal and constitutional laws of the country admit to be consistent with the public good."* In 1782, a party consisting of Benjamin Franklin, John Adams, & John Jay, met British commissioner Richard Oswald in Paris, France for the formal negotiation of a peace treaty between Britain & the United States. The delegates were sent with

specific instructions: to insist only on the Independence of the United States, deferring in all other matters to the French. The treaty that resulted was a better settlement than the U.S. Congress could ever have hoped for. Britain guaranteed the independence of the United States, ceded all of the territory east of the Mississippi River (except for Florida, which belonged to Spain), and gave the Americans valuable fishing rights in the North Atlantic.

The Judiciary Act that established a federal court system was signed into law by George Washington on September 24th, 1789. He forwarded to the Senate a list of appointments including that of John Jay as the first chief justice of the Supreme court. The appointments were confirmed two days later. Three cases appeared during the justiceship of John Jay. The last case over which Jay presided involved the jurisdiction of foreign powers on U.S. soil. GLASS VS. SLOOP BETSY concerned the interests of American and Swedish owners of a ship against the government of France. French privateers had impounded the ship and presented it to the French council in Baltimore as a prize for the French government. The owners sought the protection of the federal court. This was a very tricky case involving international politics and the doctrine of neutrality on the high seas. The Justices ruled that a council representing a foreign government had no jurisdiction in the United States "without positive stipulation of a treaty."

[10] Except, of course, by preemption of the land under the State-system of tenure, but for occupational reasons this would not be worth a hunting tribe's attempting. Bicknell, the historian of Rhode Island, suggests that the troubles over Indian treaties arose from the fact that the Indians did not understand the State-system of land-tenure, never having had anything like it; their understanding was that the whites were admitted only to the sane communal use of land that they themselves enjoyed. It is interesting to remark that the settled fishing tribes of the Northwest formed a State. Their occupation made economic exploitation both practicable and profitable, and they resorted to conquest and confiscation to introduce it.

[11] It is strange that so little attention has been paid to the singular immunity enjoyed by certain small and poor peoples amidst great collisions of State interest. Throughout the kite war, for example, Switzerland, which has nothing worth stealing, was never raided or disturbed.

[12] Karl Marx's chapter on colonization is interesting in this connection, especially for his observation that economic exploitation is impracticable until expropriation from the land has taken place. Here he is in full agreement with the whole line of fundamental economists; from Turgot, Franklin and John Taylor, down to Theodor Hertzka and Henry George. Marx, however, apparently did not see that his observation left him with something of a problem on his hands, for he does little more with it than record the fact.

[13] John Bright said he had known the British Parliament to do some good things, but never knew it to do a good thing merely because it was a good thing.

[14] Madison's *Reflections*, I.

III

Such are the antecedents of the institution which is everywhere now so busily converting social power by wholesale into State power.[15] The recognition of them goes a long way towards resolving most, if not all, of the apparent anomalies which the conduct of the modern State exhibits. It is of great help, for example, in accounting for the open and notorious fact that the State always moves slowly and grudgingly towards any purpose that accrues to society's advantage, but moves rapidly and with alacrity towards one that accrues to its own advantage; nor does it ever move towards social purposes on its own initiative, but only under heavy pressure, while its motion towards anti-social purposes is self-sprung.

Englishmen of the last century remarked this fact with justifiable anxiety, as they watched the rapid depletion of social power by the British State. One of them was Herbert Spencer, who published a series of essays which were subsequently put together in a volume called *The Man versus the State*. With our public affairs in the

shape they are, it is rather remarkable that no American publicist has improved the chance to reproduce these essays verbatim, merely substituting illustrations drawn from American history for those which Spencer draws from English history. If this were properly done, it would make one of the most pertinent and useful works that could be produced at this time.[16]

These essays are devoted to examining the several aspects of the contemporary growth of State power in England. In the essay called *Over-legislation*, Spencer remarks the fact so notoriously common in our experience,[17] that when State power is applied to social purposes, its action is invariably "slow, stupid, extravagant, unadaptive, corrupt and obstructive." He devotes several paragraphs to each count, assembling a complete array of proof. When he ends, discussion ends; there is simply nothing to be said. He shows further that the State does not even fulfil efficiently what he calls its "unquestionable duties" to society; it does not efficiently adjudge and defend the individual's elemental rights. This being so - and with us this too is a matter of notoriously common experience - Spencer sees no reason to expect that State power will be more efficiently applied to secondary social purposes. "Had we, in short, proved its efficiency as judge and defender, instead of having found it treacherous, cruel, and anxiously to be shunned, there would be some encouragement to hope other benefits at its hands."

Yet, he remarks, it is just this monstrously extravagant hope that society is continually indulging; and indulging in the face of daily evidence that it is illusory. He points to the anomaly which we have all noticed as so regularly presented by newspapers. Take up one, says Spencer, and you will probably find a leading editorial "exposing the corruption, negligence or mismanagement of soiree State department. Cast your eye down the next column, and it is not unlikely that you will read proposals for an extension of State supervision."[18] ...Thus, while every day chronicles a failure, there daily reappears the belief that it needs but an Act of Parliament and a staff of officers to effect any end desired.[19] Nowhere is the perennial faith of mankind better seen."

It is unnecessary to say that the reasons which Spencer gives for the anti-social behaviour of the State are abundantly valid, but we may now see how powerfully they are reinforced by the findings of the historical method; a method which had not been applied when Spencer wrote his series. These findings being what they are, it is manifest that the conduct which Spencer complains of is strictly historical. When the town-dwelling merchants of the eighteenth century displaced the landholding nobility in control of the State's mechanism, they did not change the State's character; they merely adapted its mechanism to their own special interests, and strengthened it immeasurably."[20] The merchant-State remained an anti-social institution, a pure class-State, like the State of the nobility; its intention and function remained unchanged, save for the adaptations necessary to suit the new order of interests that it was thenceforth to serve. Therefore in its flagrant disservice of social purposes, for which Spencer arraigns it, the State was acting strictly in character.

Spencer does not discuss what he calls "the perennial faith of mankind" in State action, but contents himself with elaborating the sententious observation of Guizot, that "a belief in the sovereign power of political machinery" US nothing less than "a gross delusion." This faith is chiefly an effect of the immense prestige which the State has diligently built up for itself in the century or more since the doctrine of *jure divino* [divine law] rulership gave way. We need not consider the various

instruments that the State employs in building up its prestige; most of them are well known, and their uses well understood.

However, there is one instrument which is, in a sense, peculiar to the republican State. Republicanism permits the individual to persuade himself that the State is his creation, that State action is his action, that when it expresses itself it expresses him, and when it is glorified, he is glorified. The republican State encourages this persuasion with all its power, aware that it is the most efficient instrument for enhancing its own prestige. Lincoln's phrase, "of the people, by the people, for the people" was probably the most effective single stroke of propaganda ever made in behalf of republican State prestige.

Thus, the individual's sense of his own importance inclines him strongly to resent the suggestion that the State is, by nature, anti-social. He looks on its failures and misfeasances with somewhat the eye of a parent, giving it the benefit of a special code of ethics. Moreover, he has always the expectation that the State will learn by its mistakes, and do better. Granting that its technique with social purposes is blundering, wasteful and vicious - even admitting, with the public official whom Spencer cites, that wherever the State is, there is villainy - he sees no reason why, with an increase of experience and responsibility, the State should not improve.

Something like this appears to be the basic assumption of collectivism. But let the State confiscate all social power, and its interests will become identical with those of society. Granting that the State is of anti-social origin, and that it has borne a uniformly anti-social character throughout its history, let it but extinguish social power completely, and its character will change; it will merge with society, and thereby become society's efficient and disinterested organ. The historic State, in short, will disappear and government only will remain. It is an attractive idea; the hope of its being somehow translated into practice is what, only so few years ago, made "the Russian experiment" so irresistibly fascinating to generous spirits who felt themselves hopelessly State-ridden. A closer examination of the State's activities, however, will show that this idea, attractive though it may be, goes to pieces against the iron law of fundamental economics; *that man tends always to satisfy his needs and desires with the least possible exertion*. Let us see how this is so.

[15] In this country, the condition of several socially valuable industries seems, at the moment, to be a pretty fair index of this process. The State's positive interventions have so far depleted social power, that by all accounts these particular applications of it are on the verge of being no longer practicable. In Italy, the State now absorbs fifty per cent of the total national income. Italy appears to be rehearsing her ancient history in something more than a sentimental fashion, for by the end of the second century, social power had been so largely transmuted into State power that nobody could do any business at all. There was not enough social power left to pay the State's bills.

[16] It seems a most discreditable thing that this century has not seen produced in America an intellectually respectable presentation of the complete case against the State's progressive confiscations of social power; a presentation, that is, which bears the mark of having sound history and a sound philosophy behind it. Mere interested touting of "rugged individualism" and agonized fustian about the constitution are so specious, so frankly unscrupulous, that they have become contemptible. Consequently, collectivism has easily had all the best of it, intellectually, and the results are now apparent. Collectivism has even succeeded in foisting its glossary of arbitrary definitions upon us; we all speak of our economic system, for instance, as "capitalist," when there has never been a system, nor can one be imagined, that is not capitalist. By contrast, when British collectivism undertook to deal, say with Lecky, Bagehot, Professor Huxley and Herbert Spencer, it got full change for its money.

Whatever steps Britain has taken towards collectivism, or may take, it at least has had all the chance in the world to know precisely where it was going, which we have not had.

[17] Yesterday, I passed over a short stretch of new road built by State power, applied through one of the grotesque alphabetical tentacles of our bureaucracy. It cost $87,348.56. Social power, represented by a contractor's figure in competitive bidding, would have built it for $38,668.20, a difference of one hundred per cent!

[18] All the newspaper comments that I have read concerning the recent marine disasters that befell the Ward Line have, without exception, led up to just such proposals!

[19] Our recent experiences with prohibition might be thought to have suggested this belief as fatuous, but apparently they have not done so.

[20] This point is well discussed by the Spanish philosopher Ortega y Gasset, *The Revolt of the Masses*, ch. XIII (English translation), in which he does not scruple to say that the State's rapid depletion of social power is "the greatest danger that today threatens civilization." He also gives a good idea of what may be expected when a third, economically-composite, class in turn takes over the mechanism of the State, as, the merchant class took it over from the nobility. Surely no better forecast could be made of what is taking place in this country at the moment, than this: "The mass-man does in fact believe that he is the State, and he will tend more and more to set its machinery working, on whatsoever pretext, to crush beneath it any creative minority which disturbs it - disturbs it in any order of things; in politics, in ideas, in industry."

IV

There are two methods, or means, and only two, whereby man's needs and desires can be satisfied. One is the production and exchange of wealth; this is the *economic means*.[21] The other is the uncompensated appropriation of wealth produced by others; this is the *political means*. The primitive exercise of the political means was, as we have seen, by conquest, confiscation, expropriation, and the introduction of a slave economy. The conqueror parceled out the conquered territory among beneficiaries, who thenceforth satisfied their needs and desires by exploiting the labour of the enslaved inhabitants.[22] The feudal State, and the merchant-State, wherever found, merely took over and developed successively the heritage of character, intention and apparatus of exploitation which the primitive State transmitted to them; they are, in essence, merely higher integrations of the primitive State.

The State, whether primitive, feudal or merchant, is the organization of the political means. Now, since man tends always to satisfy his needs and desires with the least possible exertion, he will employ the political means whenever he can - exclusively, if possible; otherwise, in association with the economic means. He will, at the present time, that is, have recourse to the State's modern apparatus of exploitation; the apparatus of tariffs, concessions, rent-monopoly, and the like. It is a matter of the commonest observation that this is his first instinct. So long, therefore, as the organization of the political means is available - so long as the highly centralized bureaucratic State stands as primarily a distributor of economic advantage, an arbiter of exploitation, so long will that instinct effectively declare itself. A proletarian State would merely, like the merchant-State, shift the incidence of exploitation, and there is no historic ground for the presumption that a collectivist State would be in any essential respect unlike its predecessors;[23] as we are beginning to see, "the Russian experiment" has amounted to the erection of a highly-centralized bureaucratic State upon the ruins of another, leaving the entire apparatus of exploitation intact and ready for use. Hence, in view of the law of fundamental

economics just cited, the expectation that collectivism will alter the essential character of the State appears appreciably illusory.

Thus the findings arrived at by the historical method amply support the immense body of practical considerations brought forward by Spencer against the State's inroads upon social power. When Spencer concludes that "in State organizations, corruption is unavoidable," the historical method abundantly shows cause why, in the nature of things, this should be expected - *vilescit origine tali*. When Freud comments on the shocking disparity between State ethics and private ethics - and his observations on this point are most profound and searching - the historical method at once supplies the best of reasons why that disparity should be looked for.[24] When Ortega y Gasset says that "Statisin is the higher form taken by violence and direct action, when these are setup as standards," the historical method enables us to perceive at once that his definition is precisely that which one would make *a priori* [a priority].

The historical method, moreover, establishes the important fact that, as in the case of tabetic or parasitic diseases, the depletion of social power by the State can not be checked after a certain point of progress is passed. History does not show an instance where, once beyond this point, this depletion has not ended in complete and permanent collapse. In some cases, disintegration is slow and pain ful. Death set its mark on Rome at the end of the second century, but she dragged out a pitiable existence for some time after the Antonines. Athens, on the other hand, collapsed quickly. Some authorities think that Europe is dangerously near that point, if not already past it; but contemporary conjecture is probably without much value. That point may have been reached in America, and it may not; again, certainty is unattainable-plausible arguments may be made either way. Of two things, however, we may be certain: the first is, that the rate of America's approach to that point is being prodigiously accelerated; and the second is, that there is no evidence of any disposition to retard it, or any intelligent apprehension of the danger which that acceleration betokens.

Editor's Note: Annotated reprints of the entire series of Spencer's essays, The Man versus the State, are available from the Christian Common Law Institute. Most of this chapter was derived from Spencer's manuscript.

[21] Oppenheimer, *Der Staat*, ch. I. Services are also, of course, a subject of economic exchange.

[22] In America, where the native huntsmen were not exploitable, the beneficiaries - the Virginia Company, Massachusetts Company, Dutch West India Company, the Calverts, etc. - followed the traditional method of importing exploitable human material, under bond, from England and Europe, and also established the chattel-slave economy by importations from Africa. The best exposition of this phase of our history is in Beard's *Rise of American Civilization*, Vol. I, pp. 103-109. At a later period, enormous masses of exploitable material imported themselves by immigration; *Valentine's Manual* for 1859 says that in the period 1847-1858, 2,486,463 immigrants passed through the port of New York. This competition tended to depress the slave-economy in the industrial sections of the country, and to supplant it with a wage-economy. It is noteworthy that public sentiment in those regions did not regard the slave-economy as objectionable until it could no longer be profitably maintained.

[23] Supposing, for example, that Mr. Norman Thomas and a solid collectivist Congress, with a solid collectivist Supreme Court, should presently fall heir to our enormously powerful apparatus of exploitation, it needs no great stretch of imagination to forecast the upshot.

[24] In April, 1933, the American State issued half a billion dollars' worth of bonds of small denominalions to attract investment by poor persons. It promised to pay these, principal and interest,

in gold of the then-existing value. Within three months, the State repudiated that promise. Such an action by an individual would, as Freud says, dishonour him forever, and mark him as no better than a knave. Done by an association of individuals, it would put them in the category of a professional criminal class.