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On Revolution: The Right to Smash the State

by
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Why are libertarians, especially natural-rights libertarians, so kind to tyrants? After all, if you're living under a government that continuously violates your inherent and unalienable rights, why should you go along with it? Why not make a revolution? Why not shoot the bastards?

Let's not talk specifically about the U.S., Canada, France, or England. Let's do like economists and assume a country. Imagine, for a moment, that you are living in a land ...

- where a fine net of detailed regulations controls virtually everything you do in the course of everyday life, from driving a car to hiring employees to building a house;
- where for a host of purposes you have to fill in forms and answer personal questions from bureaucrats;
- where, say, a third of what the people produce and earn is seized in taxes, and you have to file and sign periodic income reports;
- where people are conceived of as "human resources" the state can draw upon;
- where there is a very powerful permanent army;
- where the people have been disarmed;
- where you need permits to engage in many economic activities;
- where the authorities decide what you may consume and even, in some cases, read;
- where your identity is basically defined by official identification papers, and the government even issues you a number that defines you as a citizen;
- where the state circumvents the rule of law with complicated and abstruse legislation that most citizens do not know and cannot understand;
- where the majority apparently assents to all this in formal elections, but a large bureaucracy and an entrenched political class actually rule.

Obviously, you would call for, or even start, a libertarian revolution. Or would you?

Authoritarian Arguments Against Revolution

By *revolution*, I mean a radical, non-legal change in the relations between the governors and the governed. By *libertarian*, I mean that the governors would lose much of their power over the governed. In other words, I am not talking about a change achieved by a slow shift of public opinion at the polls. I am discussing a change that bypasses the existing legal order. Whether or not it involves violence, it would not be congruent with legal continuity.

Authoritarians have lots of arguments against this kind of revolution. One brand is the divine right of kings. As Robert Filmer puts it, "if this supreme power was settled and founded by God himself in the fatherhood, how is it possible for the people to have any right or title to alter and dispose of it otherwise? ... The obedience which all subjects yield to kings is but the paying of that duty which is due to the supreme fatherhood."^[1]

Another authoritarian argument is the Burkean idea that loyalty is part of one's moral duties, and that "no occasion can justify [a revolution] which would not equally authorize a dispensation with any other moral duty, perhaps with all of them together."^[2] And then, of course, there are the Rousseauvian and Hobbesian brands of contractarianism. The state is based on consent, but this consent has to be unconditional for the state efficiently to carry on its mission of protecting individuals. Since only the sovereign can make judgments on the means he uses for protecting his subjects, a revolution is never justifiable.

The whole Western liberal tradition dismisses such reasoning. John Locke explains that "whenever the *Legislators endeavour to take away, and destroy the Property of the People*, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience . . ." Power then "devolves to the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative (such as they shall think fit) provide for their own Safety and Security, which is the end for which they are in Society."^[3] Section 2 of the 1789 *French Déclaration des droits de l'homme et du citoyen* includes the "right to resist oppression" among the natural rights of man.

Even some conservative legal theorists, such as William Blackstone, admit the right of resistance and agree that, at some point, it is legitimate to exercise it:

The fifth and last auxiliary right of the subject, that I shall at present mention, is that of having arms for their defense, suitable to their condition and degree and such as allowed by law. Which is also declared by the same statute [the Bill of Rights] and it is indeed a public allowance under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and the laws are found insufficient to restrain the violence of oppression.^[4]

When do we cross the line? I suspect most liberal thinkers would agree it has been crossed in our imaginary country.

Dangers of Revolution

There is another, more libertarian, strand of argument against revolution -- or, at least, against the exercise of this right in most cases. The argument is that revolutions, by their very nature, lead to increased political power. Writes Bertrand de Jouvenel, "there was never a revolution yet which did not result in an accretion of Power's weight."^[5]

The reason, according to de Jouvenel, is that revolutions destroy existing "social authorities," i.e., those social institutions that are capable of resisting the state. After the dust has settled and the blood has dried up, the only operational social institution remaining is the state, facing a crowd of isolated and powerless individuals. This would explain why the French Revolution, the Bolshevik Revolution, and Cromwell's Republic produced "the liquidation of a weak Power, the erection of a strong one." "In the final analysis," de

Jouvenel concludes, "revolutions are made not for man, but for Power."

For the revolutionaries, every means is justified if it serves the revolution. The French Revolution, in which there were strong classical liberal elements, is often cited in this context. At the very time he was a leader of the Terror, Saint-Just wrote: "A people has only one dangerous enemy, which is its government."^[6] Saint-Just himself was not a libertarian, and the context of this often-quoted sentence identifies "government" more with the executive than with the state as such, but many of his contemporaries did believe the French Revolution's libertarian ends justified saving it at any cost. In early 1793, just before the Terror began, Jefferson wrote in support of the *Jacobins* :

In the struggle which was necessary, many guilty persons fell without the forms of trial, and with them some innocent. . . . The liberty of the whole earth depended on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed I would have seen half the earth desolated; were there but one Adam and Eve left in every country, and left free, it would be better than it now is.^[7]

Doesn't the American Revolution contradict de Jouvenel? To a certain extent, yes, which is probably why he does not mention it. On the other hand, the American Revolution did not need to be devastating and totalitarian, if only because the tyrant fought by the American revolutionaries was a very weak one. "In fact," writes Gordon Wood, "the colonists knew they were freer, more equal, more prosperous, and less burdened with cumbersome feudal and monarchical restraints than any other part of mankind in the eighteenth century."^[8] Moreover, evaluating a revolution's consequences depends on one's timeframe. If one compares today's America with the Founding Fathers' intents, it seems clear that the revolution was a failure. Even compared to the actual subjects of their former tyrant, the present-day British, contemporary Americans are not radically freer: they may be in some respects (freedom of speech and the right to keep and bear arms, for instance), but not in others (think about the IRS and the DEA).

Could we say that the more powerless the tyrant, the less likely it is that the revolution will devolve into the destruction of all social authorities? If so, it would mean that a libertarian revolution now would be much less dangerous than a revolution when tyranny has become unbearable. Better to make the revolution when it does not have to be devastating; better to do it sooner than later. Perhaps this is how we can interpret Jefferson's dictum, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."^[9]

Revolution Against Democracy

The standing right of revolution must be exercised with prudence and responsibility, depending on the current conditions of politics and society. Our imaginary society -- we assume -- is a democracy limited by a formal rule of law. Is a revolution still justifiable under these conditions? Can't we hope to bring the required change within the system?

Certainly, democracy by itself does not abolish the right of revolution. The democratic system may not give real power to the majority; sovereignty may be expropriated by the bureaucracy, the political class, or well-organized interest groups. Hopes of peaceful change through persuading the majority may therefore be unrealistic. And even if the democratic

system is responsive to the majority's views, we can still get what de Tocqueville called the "tyranny of the majority," or what de Jouvenel labeled "totalitarian democracy."

In any event, persuading a sufficient majority to establish liberty may be difficult, owing to restrictions on freedom of expression, to government propaganda, or simply to the fact that the people have become, in de Tocqueville's premonitory words, "a flock of timid and industrious animals of which the government is the shepherd." [10] And what about individual rights that continue to be violated during the long persuasion process? Would we have condoned slavery because it was bound to disappear in the future?

A somewhat more serious case against revolution emerges when power is still constrained by the rule of law: whether or not there is a written constitution, laws and state action must follow some formal rules. Yet in our imaginary society, the rule of law has become a fraud. Government thugs may not, say, bang into a dissenters' conference without a warrant, but there are so many laws governing so many aspects of life that they could probably find a legal pretext if they wanted to. The state has acquired so many means to control citizens that it is likely to find some convoluted way to get its man. If the state cannot proceed with criminal charges, it will sue in civil court -- using civil forfeiture, for instance. It has found ways to short-circuit local powers by creating powerful central agencies.

The formal rule of law has become as much a tool in government's hands than a protection for the citizens. Moreover, the pervasiveness of formal rules has accustomed citizens to abiding by anything that is formally enacted. The rule of law does not by itself abolish the right of revolution -- it all depends on what kind of laws rule.

The strongest argument against a revolution in our imaginary society is what may be called the continuity argument. If we break the democratic-legal continuity, the argument goes, we will open a Pandora's box, and we may well end up with a regime much worse than the present one. Better to be a slave under a known and predictable master, than under an unknown, whimsical, and more powerful one.

The problem with the continuity argument is that it is contingent on where continuity leads us. If present trends are leading us to the worst possible system, a revolution may be warranted. Even in our imaginary democracy under the rule of law, whether the right of revolution should be exercised remains a question of expected costs and benefits -- in short, a question of prudence.

When and How to Revolt

So if we grant that the oppressed in our imaginary society have a right to revolt, are there any prudential objections to their exercising this right? The first objection might be that they are unlikely to succeed.

What if a significant proportion of the people has been conditioned to accept slavery, or if they just prefer equal slavery to liberty for all? Whatever the reason, there may be no people to make the revolution (as opposed to an unstable coup d'État). If 0% of the people want liberty, the question of a libertarian revolution is irrelevant; if 100% want liberty, a revolution is not necessary. The problem lies between 0% and 100%.

If we don't have enough people on our side, an education effort is required before we can

realistically hope to make a revolution. Education is as much a prerequisite for revolution as for peaceful, legal change. And to the extent that the political system does respond to individual preferences, it may make a revolution unnecessary.

But even when enough people think the rebellion is in their interest, several practical issues remain. Who is to spend resources on education? Who will start the revolution? Here, what economists call the logic of collective action^[11] comes into play. A necessary revolution is a "public good," which means that everybody will profit from it even if one has not contributed to it. Furthering the revolution carries costs, not only because one has to spend resources on education, but also because anyone on the front line may be shot or arrested. A utility-maximizing individual will be inclined to free-ride, to wait for his neighbor to revolt. Consequently, no one will.

This is another way to say that personal interest -- "individualism," in de Tocqueville's pejorative sense -- may hinder a necessary revolution. There is a conflict between personal interest and the future of liberty. This is more than a theoretical curiosity: just look at the businessmen who, even when they would profit from liberty, cave in and turn the other cheek in order to placate the tyrant and save a few dollars.

Revolutions do occur from time to time, so collective action problems are not insurmountable. Entrepreneurs may find ways to tie private benefits to collective action, or to impose private costs on non-participants -- by a boycott, for example. These "selective incentives" bypass the free rider problem. And, of course, there are individuals -- revolutionary leaders -- for whom the cost of starting a revolution may be lower because they have less to lose, or who attach a higher value to their private benefits from revolutionary action.

These ways around collective action problems may be less accessible to libertarians than to collectivists. Libertarians take personal interest and political apathy very seriously -- perhaps too seriously. As a matter of philosophical principle, they don't want to be sacrificial lambs. In economic terms, the costs of revolutionary action are higher for them than for altruists. We would thus expect libertarians to be bad at organizing revolutions, even at educating the people.

One might hope that libertarians would abandon their rhetoric of self-interest and become republicans (in the eighteenth-century sense of public virtue) without a republic.

Expectations and Rights

There is another prudential objection to revolting before a significant proportion of the people has been persuaded to rebel. Revolutionary methods -- especially violence -- can violate *systemic expectations*, i.e., the expectations that the system has led most people to have and to believe legitimate.

Consider again our imaginary society. It is difficult to put a finger on the tyrant -- he's everywhere. A large number of the people are "the bastards," though they don't know it. They accept and follow the rules, which is somewhat different from the Nuremberg criminals following orders. The little bureaucrat or the subsidized businessman is an accomplice of the tyrant, but only to a degree. Although it is morally legitimate, in our imaginary society, to shoot a tax inspector who comes after you with his gun drawn, it is not

clear that you may blow up all the little bureaucrats in the tax office. And certainly, blind terrorism that will also hit the tyrant's unwilling or unconscious subjects is immoral.

The great Lysander Spooner himself gives an example of what, I think, may not be done:

The business of lending blood-money is one of the most thoroughly sordid, cold-blooded, and criminal that was ever carried on, to any considerable extent, amongst human beings. It is like lending money to slave traders, or to common robbers and pirates, to be repaid out of their plunder. And the men who loan money to governments, so called, for the purpose of enabling the latter to rob, enslave, and murder their people, are among the greatest villains that the world has ever seen. And they as much deserve to be hunted and killed (if they cannot otherwise be got rid of) as any slave traders, robbers, or pirates that ever lived.

[12]

Now, everybody with a corporate pension plan or even a savings account is an indirect purchaser of government securities. If the people must shoot all government bond-holders, they could avoid the cost of fighting by simply shooting themselves. It may well be legitimate to not reimburse government bond-holders, but it is another matter to shoot them. Spooner's parenthetical remark suggests that he himself entertained some doubts on this matter.

How much weight should we place on people's systemic expectations? It depends on the degree of tyranny. At one extreme, Nazi Germany, the rights of oppressed Jews clearly have precedence over any expectation that you participate in rounding them up. Towards the other extreme -- a more open society -- the balancing gets more messy. One can't avoid some utilitarian fuzziness here.

Responsible Revolutionaries

The right of libertarian revolution is like the right of self-defense: it always exists, but is to be exercised only under certain conditions. These conditions include the actual degree of tyranny, the proportion of the people who favor the revolution, and the probability of achieving the necessary change without revolutionary means. Two dangers loom: to wait until it is too difficult to revolt, and to revolt too soon.

What should we do in our imaginary society? Is it too early for a revolution? Too late? For now, speech is the weapon of choice -- so much so that the tyrant has found countless indirect ways to limit it. Tyrants fear both reason and poetic revolt. And there are other legitimate means of revolting that contribute both to education and to the ultimate revolution, if one becomes necessary. I have in mind the kind of principled civil disobedience Thoreau advocated [13]. For example, if only five percent more of the people were to stop paying income taxes -- perhaps one percent more -- the state would soon be at bay. Like any revolution, this is not without danger. It would probably be better to do this now than when the imaginary state has become more able to resolve its problems by force. Actually, it should have been done decades ago.

Who will initiate the civil disobedience? This once more raises the problem of collective action. But to start the wheel of change rolling, one does not necessarily have to stop paying taxes and advertise it to the whole world. One may also engage in nonviolent guerrilla

tactics. Engage the tyrant whenever you can -- right up to the point where he would have a good enough reason to arrest or shoot you -- then retreat. Delay compliance to all kinds of petty laws and regulations. Refuse to answer questions. And, of course, pursue the educational task through subversive talk and writing.

Discussing revolution the way we have may have trapped us in the enemy's way of thinking. We want neither the chains nor the candies of the welfare state. I am a sovereign individual, and their laws, which are not of my own choosing, do not apply to me. Instead of overthrowing their state, we would rather secede from it, individually or collectively. You want your government -- your chains and your goodies? Well, keep them. For me, no thanks. Revolution, in the sense of overthrowing their government, is only a second best, something to resort to when they will not allow us to secede from them.

To the question, Why not make a revolution?, the first-level answer is, "Because there is no people to make it." Why not shoot the bastards? "Because there are too many bastards, or everybody is a half-bastard." At a second level, secession is the name of our revolution. If we could only have one free society in the world, why would we care, except out of compassion, about the people of France, Canada, or the U.S.? We must then be prudent, responsible revolutionaries. Keep the tyrant on its toes; increase the pressure as tyranny advances.

And keep our options open. The revolution, if necessary, but not necessarily the revolution.

1. Robert Filmer, *Patriarcha, or the Natural Power of Kings* [1680], in Johann Sommerville (Ed.), *Patriarcha and Other Writings* (Cambridge University Press, 1991), p. 53 and 59. [[Return to main text](#)]

2. Edmund Burke, "Appeal from the New to the Old Whigs," in *Works of Edmund Burke* (Little Brown, 1866), p. 115. [[Return to main text](#)]

3. John Locke, *Second Treatise of Civil Government* (1690), #222. [[Return to main text](#)]

4. William Blackstone, *Commentaries on the Law of England* (1765), Vol. 1, 144. [[Return to main text](#)]

5. Bertrand de Jouvenel, *On Power: The Natural History of Its Growth* (1945) (Indianapolis: Liberty Press, 1993), p. 237 sq. [[Return to main text](#)]

6. "Un peuple n'a qu'un ennemi dangereux; c'est son gouvernement..." Cf. Louis-Antoine Saint-Just, "Rapport fait au nom du Comité de salut public sur la nécessité de déclarer le gouvernement révolutionnaire jusqu'à la paix, présenté à la Convention nationale dans la séance du 19 du 1er mois de l'an II (automne 1793)," in *Oeuvres complètes de Saint-Just* (Paris: Éditions Gérard Lebovici, 1984), p. 121. [[Return to main text](#)]

7. Thomas Jefferson, Letter to William Short, January 3, 1793, in Albert Fried, Ed., *The Essential Jefferson* (New York: Collier Books, 1963), p. 329-330. [[Return to main text](#)]

8. Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Alfred P.

Knopf, 1992), p. 4. [[Return to main text](#)]

9. Thomas Jefferson, Letter to Stephen Smith, November 13, 1787, in Albert Fried, Ed., *The Essential Jefferson* (Collier Books, 1963), p. 264. [[Return to main text](#)]

10. Alexis de Tocqueville, *De la démocratie en Amérique* (1840) (Laffont, 1986). [[Return to main text](#)]

11. Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge: Harvard University Press, 1966). [[Return to main text](#)]

12. Lysander Spooner, *The Constitution of No Authority* (1879), in *No Treason And A Letter to Thomas F. Bayard* (Colorado Springs: Ralph Myles Publisher, 1973), p. 49; also available at <http://206.215.85.2/reading/SPOONER.TXT>. [Visited September 1996] [[Return to main text](#)]

13. See my "[Uncivil Disobedience](#)," *Liberty*, July 1995, pp. 43-45. [[Return to main text](#)]

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