

Manifesto of the Good Society

by Mark F. Sharlow

What is a good society?

For thousands of years, people have been trying to set up ideal societies—or at least societies meant to be much better than the societies that already existed. Today we call these imagined societies “utopias.” Utopias have a well-deserved reputation for being impracticable. Utopian schemes have two major limitations. First, utopias usually are unworkable because they ignore human nature. Plans for utopia commonly ignore certain peculiarities, strengths and weaknesses that make people what they are. This lack of realism is a well-known feature of utopian schemes. The second problem with utopias is that some of them are not truly idealistic, but are harsh and unjust instead. Communism is the prime example. It grew out of utopian thinking, but was despotic and bloody by nature. Communism is not the only example of a utopian idea with the potential for brutal effects.

If we want to create a good society, a better model would be the great democratic revolutions and struggles for independence—for example, the American Revolution. These democratic revolutions created better societies, even excellent ones, but so far these revolutions have not created an ideal society. The new societies carry over some of the faults and cruelties that the people had before the revolution. The American Revolution was a great success by any reasonable

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standard. It was a groundbreaking victory for democracy. However, there were a few serious evils (including slavery) that continued afterwards, because the people at the time were doing something wrong and the wrongs continued in the new nation. This observation is not a criticism of America. It only reminds us that people all over the world have faults. When a democracy comes to exist, people have a tendency to import their bad practices into the democracy. This is a universal tendency. No one country should be singled out for blame.

What would a truly good society be like? I am not speaking of a society that is only a little better than existing societies, or even a society that is the best one currently available. I am speaking of a society that is truly good—that is free of serious social evils.

A truly good society would not have to be perfect. Perhaps we cannot create a perfect society; at least, common wisdom says that we cannot. We cannot make a society in which no problems happen, because people often have or create problems. But we can hope to create a society in which the apparatus of society itself does not commit cruelties or great evils. This is what I would call a truly good society. This is my version of an “ideal” society. I do not expect perfection, but I think it is possible to create an acceptable society—a society that does not do anything horrendous to the people in it. A society of that sort is what I would consider a good society.

Now I am going to throw caution to the winds. I am going to say what a good society would be like—even if what I say seems impractical. Frankly, I think it is possible to create a good society meeting the standards I will describe. Let us set aside the question of practicality long enough to find out what such a society would have to be like.

Freedom: The First Principle

The first principle of a good society would be *maximum freedom*. By this, I mean freedom limited by nothing except freedom itself. The only limit on your freedom would be the limit imposed by the freedom of others. This freedom is “unlimited” because it is as boundless as freedom can get without creating other limits on freedom.

This idea of maximum freedom is not new. The line of political thought known as *libertarianism* centers on this very idea.¹ Libertarian thinkers have proposed various versions of libertarian political philosophy and economics. Some of these versions are more emphatic about freedom than are others. Despite these differences of opinion (and despite the mistakes in some versions), libertarianism is on the right track. There’s an old saying that your freedom to swing your fist ends where my nose begins. That is a good way to look at freedom. The only boundary on freedom, the only legitimate boundary, is the boundary imposed by the freedom of others.

The principle of maximum freedom leads to strict limits on the powers of government. The legitimate purpose of government is protection of your rights. If you have a right, then you also have a right to defend that right. You don’t have to defend that right with your own hands—you can hire someone to defend it for you. The main (and perhaps the only) legitimate purpose of government is the purpose of enforcing individual people’s rights. As a practical matter, if you want to survive and do well, then you sometimes need to defend yourself and enforce your rights. You have to uphold your rights against attacks from those who don’t respect your rights. If you’re defending your rights, then there’s nothing wrong with hiring someone to do that job for you. And if a group of people, even all the

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people of a land, get together and hire agents to do that for them, then that's a government. That's all the government should be. A government is not something to which you automatically owe obedience just because you happen to live in a particular country (even a country you love), or because of nature, or because of God, or for any other reason. The proper purpose of government is to defend your rights for you, on your behalf.

A government is an agent with which you can enforce your rights. The purpose of government is to protect your rights. Government should be something that we, the people, create to enforce our rights. We could enforce those rights ourselves if we wanted to, but it would be difficult and dangerous for us, so we hire professionals to do it instead. Therefore we have a government. For example, if somebody is trying to come after me with a knife, and a government exists, then there's somebody I can call. Otherwise I'd have to deal with the knife attack myself, and perhaps I'm not an expert fighter with experience at disarming people with knives. If you are like most people, you are better off when you don't have to do all your own fighting. Unfortunately, there's sometimes a need for defensive fighting in this world. A trained police officer can do this defensive fighting better than can most of us. If the enemy is an invading army, then the military can do the fighting better than can most of us. There is nothing wrong with having defenders to do the necessary fighting on our behalf.

This conception of government that I just set forth is not new. It is common to much libertarian thinking. I do not necessarily agree with every idea called "libertarian," but I believe libertarianism, in its essentials, is right. The system I will propose is a libertarian one, although it differs from some other proposed libertarian systems.

Self-Sufficiency: The Economic Basis of Freedom

Maximum freedom is a foundation of a good society, but it is not the only foundation. Alone, it is not enough. Real freedom also needs a proper economic foundation. Political freedom is supremely important; nothing should compromise it. But full, genuine, stable freedom also needs a proper economic basis.

What do I mean by a proper economic basis? I mean *a society in which everyone is self-sufficient*. That means you are able to eat and support yourself, and get by, without having to ask someone else for a job. It means you are free to apply for jobs, but you can support yourself independently if you need to or want to. You should be self-sufficient.

The idea that economic self-sufficiency is necessary for freedom—that the ability to live without a job is necessary for freedom—sounds radical when one first hears it. Actually it is not radical at all. I am not proposing that people stop working and become lazy. I am certainly not against having a job, and I am not against the employers who offer people jobs. I am only proposing that to be free, *you must be able to support yourself by working for yourself if you want to*. Self-employed people already are doing this. They don't need to ask anyone else for a job. But a society in which people are merely allowed to work for themselves is not enough. To be truly free, you must be able to support yourself without a job *now*, and *with no one's permission*. You shouldn't be subject to government regulations that make it difficult, expensive, and legally risky to start out on your own. You should not face the risk of lawsuits for trying to better your lot. And you should be able to live on your own, even if the job market stops being favorable to your occupation.

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These thoughts may seem radical, but they are just matters of simple social justice. The fact that you were born on this earth means that you have as much right as anyone else to exist on this earth. You have a right to acquire enough to eat, with no one standing in the way of your self-support. You have a right to create or find food and to support yourself. I am not saying that this doesn't take work. I am not saying that apples must fall off the trees by themselves. I'm just saying that you shouldn't have to be accepted by someone else before you can eat, or before you can have other basic necessities of life. Everyone should be economically self-sufficient in this sense. This is, perhaps, the most basic feature that a good society would need to have. Apart from any other political considerations, people would have to be economically self-sufficient.

If you are not self-sufficient, then you are not really free. If you have to ask someone else for permission to eat, or for your children to eat, then are you free? No. You are not free. Think about it! Perhaps it seems like a radical thought—but think about it anyway!

The idea that self-sufficiency is necessary for freedom is not new. The economic school of thought called *distributism* (also known as *distributivism*) is based on this very idea.² As I will point out later, I disagree with some aspects of distributist thought. But the distributists are right about the importance of self-sufficiency in the protection of freedom.

The economic self-sufficiency of the individual is a foundation of a good society. The best way to set up this self-sufficiency would be to make sure that everyone has enough land. (This idea also is very important to distributist thought.) Every individual and every nuclear family would have enough land so they could live off the land if they had to. It might not be easy, but they could do it. That way, no one would be likely to starve or land in the streets just because the

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job market went down and there was no company willing to give them permission to eat. People would be able to eat, and even have some of the fruits of the land left over to sell. This would be basic economic freedom. People could support themselves, and perhaps even make some money to go beyond mere subsistence. And they could do this without having to ask anyone else's permission. This does not mean that everyone would have to be a professional farmer. They could engage in other occupations—but they would be able to fall back on farming if necessary.

Now we can begin to see what the best possible society would be like. *It would consist of self-sufficient landowners living in a libertarian nation.*

This type of self-sufficiency would be easiest to put into practice in a society that has been created deliberately for this purpose. People who want freedom might form groups to buy up land, and end up with so much land that each member of the group could survive through independent farming. However, extending this arrangement to everyone would take a long time. For a society already in existence, and on a planet with a finite amount of arable land, we might try variations of this scheme. It isn't clear how much land area would be available if people used the land and sea as fully as they could without wrecking the environment. But in the mean time, there are other ways to move toward the same goal.

One reason that people formed cities, and created what we today call capitalism, is that some people didn't want to be subsistence farmers. In developed countries today, most farmers are not traditional subsistence farmers. Farming is a science and an art. In earlier centuries, some people wanted to do something besides subsistence farming—something easier and more profitable. Because of this and many other causes, the economic life that we know today gradually

developed. People gained much through this transition, but unfortunately they also lost much of their self-sufficiency.

Today, it wouldn't be necessary for everyone to revert to subsistence farming to become self-sufficient. People interested in self-sufficient living (and in long-term space travel) have found other ways to grow edible plants. Today it is possible to grow massive amounts of edible plants in tanks. It is possible to grow plants in new ways, including environmentally friendly ways. We can grow crops much more efficiently today than at any previous time in history. It is possible to create much of your own food even without being a real farmer. Today there are many different forms of energy available for use as power—solar energy is only one example—and many different uses for that energy. Having enough land to live on, and living on it, need not make you an impoverished peasant. Today, this way of life even could be the foundation of self-built wealth.

Of course, there is nothing wrong with supporting yourself through forms of self-employment besides agriculture. There is nothing wrong with having a job, but you should be able to live even if the job market collapses. *It should be possible for you to live no matter what particular markets do.* In a truly free world, human existence would not be completely at the mercy of specific markets. Only the possibility of self-support through agriculture would make that goal realizable. However, universal self-support through other means, besides agriculture, would be a great step in the direction of that goal. If each person owned, as private property, enough of the means of economic production to be able to survive without a job, then most abject poverty would vanish. This ownership could involve having enough to operate a small business as a sole proprietor. The best way to make this happen is to remove almost all government regulations on individuals doing business as sole proprietors. This means repealing most or all

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permit, tax, and zoning regulations for such tiny businesses, and barring almost all lawsuits against those businesses. The only remaining laws governing those businesses would be basic ones, like laws against knowingly selling bad products. If these libertarian reforms were in place, and you found yourself poor and out of work, you could go out and start selling something—running a pushcart or a lemonade stand, shining shoes, or whatever. You could build up your wealth in the same way that many early American immigrants built their wealth. No one would arrest you for not having some government permit. In a world with a limited amount of land, this kind of independence might be almost as good as having enough land to farm.

These ideas about universal self-sufficiency are not new. The idea of freeing small business from excessive regulation is part of the libertarian vision of economics. The idea that individuals should own the means of their livelihood, and that this ownership is necessary for economic justice, forms the basis of distributism, which I mentioned earlier. The arrangement I am proposing rests on self-sufficiency, but I do not accept all of the ideas of the distributists. Distributism has deep roots in medieval economic traditions.³ Medieval ideas can prove difficult to adapt to the modern world. To avoid linking my position too closely with distributism, I will use the neutral name “universal self-sufficiency” for the arrangement I am proposing.

So far, we have found two requirements for a good society. Everyone has to have maximum freedom—that means complete freedom limited only by the freedom of others. And everyone has to be able to be self-sufficient.

Of course, there’s more to life than bare self-sufficiency. Most people don’t just want to be self-sufficient—they want to have some wealth. And I’m going to say right now that there is nothing wrong with getting rich.

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Many social reformers are biased against the rich and against business. I am not. I say, get rich if you want to! Start a business, or work for a business, if you want to! It's all right to start businesses, small or large, and to amass wealth. However, if there are companies, there should always be the possibility for any given worker to leave the companies and become self-supporting. A person should not be *forced* to be a worker for anyone else. It's acceptable for people to get together and form a company. It's acceptable to work in a company, and to make more money than you might have made without the company. If you have some big, visionary project that you want to start (like private space exploration or some wild new computer program), and you want to start a company to carry out the project, that's fine! If you find some exciting project that someone else has started, and you want to work for the company that's doing the project, that's fine! There's nothing wrong with working for someone else—but you shouldn't *have* to work for someone else.

What I am proposing here is capitalism—real capitalism.⁴ It is a way of life in which people—not the collective “people” the socialists talk about, but the people as individuals—own the means of production. Each individual owns, as personal property, the means of production for his or her own subsistence. The individual is the owner. Not the collective, not a class, not the state, not “the people” as a whole, but—the individual! Each of us will own enough to get by—and we will be able to earn more if we want to and find a way. This is nothing other than true capitalism.

Distributist thinkers have pointed out that the so-called capitalist nations today do not have a widespread distribution of capital. Instead, these nations have a system in which a certain group—a certain class or social stratum of people—owns almost all the means of production. The rest of us find it difficult to support

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ourselves without permission from the companies owned by that class.⁵ In today's capitalist nations, even those who manage to make it on their own usually cannot do so without long preparation. Libertarians have pointed out that we cannot go into business for ourselves without dealing with hundreds of tiny, but deadly, government regulations. What we have today is not real capitalism! In true capitalism, the people would own the means of production—but that means *the people individually*, not the collective; not what the socialists and communists call “the people.” Real capitalism is the diametric opposite of socialism and communism. Individuals would own at least as much of the means of production as they need to get by. Beyond that, they would be able to gain more if they wanted to.

There is nothing wrong with getting richer. Getting richer is a worthy goal. In a society with unlimited freedom—in which the rights of others are the only limits—getting richer will be easier than it is today. It will be much easier to start a business, because there will be a lot less government paperwork, and there won't be all these ridiculous, unknowable rules that we have today. Nowadays, excessive laws and regulations hang over the head of anyone who wants to better their lot economically. An honest small business owner, with the best of intentions, can be fined or even go to jail over regulations that even legal experts can't fully understand. The state forces children to shut down their lemonade stands. The state harasses immigrants (even legal ones) for selling their goods from pushcarts to make an honest living. A free people should not tolerate that amount of government control. In the good society, those excessive rules will be gone! There will be laws against real offenses, like knowingly selling bad products, which is an attack on the rights of other people. But today's government regulations and paperwork—if you've tried to start a business, you know exactly what I mean—

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will be gone. These obstacles will vanish because of our first principle, which is maximum freedom. If you are poor, it will be much easier for you to rise from poverty. If you already have some wealth, it will be easier to further your business.

So far, we have two principles that a good society would have to fulfill. We have the principle of maximum freedom, and we have the principle of universal self-sufficiency. The second principle is what distinguishes the good society from some other proposals for libertarian societies. Most of today's libertarian organizations and movements do not heartily embrace this idea of universal self-sufficiency. That kind of libertarianism, without universal self-sufficiency, would be hazardous. If the people did not achieve universal self-sufficiency, and we suddenly brought government down to a minimum in the libertarian manner, it is likely that the poor and middle classes would be eaten alive. The nastier element among the rich (every social class has a nasty element) would try to exploit and oppress the landless, job-dependent poor and middle class. Everything could go into chaos. Until we have universal self-sufficiency, we will continue to need some of the laws and regulations that we have today, including the ones that are meant to protect the poor. Today, well-meaning officials make rules to protect people whose survival is at the whim of the job market, and who are easy prey for predatory companies. In a good society, most of these regulations will no longer be necessary, because *no one will have to be poor*.

Another way to protect individuals against predation is to change the relationship between corporations and the state. Some authors have pointed out that corporations today are state-sponsored organizations whose state-granted privileges make them far more powerful than individuals.⁶ The libertarian economist Murray Rothbard suggested that corporations of a sort can exist without state permission, through a system of contracts among the individuals involved.⁷

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The most important function of corporations—limited personal liability—could be achieved partly through contract (as Rothbard suggested) and partly through tort reform (which I will discuss later). If we changed all corporations to this structure, the excesses of corporate power would fade away. This new arrangement will not hurt legitimate business interests if the transition is done carefully.

Everyone should be able to be self-sufficient. No one should have to be poor. Thus it would be in a good society. Some might get richer than others for various reasons; some would start businesses and increase their wealth. But no one would have to be needy. That's the way a good society would be. Then the job market would become a truly free market—and a humane and democratic market as well.

If you've ever heard socialists say that socialism is democracy in the workplace, don't believe it! Socialism is not about democracy—it is about government control. We don't need more government control! *Real democracy in the workplace would exist if people were able to quit their jobs and still survive.* In that case, the employers would face a free market competition for employees. Today that usually doesn't happen. Many people have to take whatever job is there. The only real exceptions are for those who are well-known in their areas of work, and for those whose career fields happen to be booming. For most of the rest of us, our choice of a job is controlled by what job is available. You have to take a job, even if it's a bad job. With universal self-sufficiency, the workers would not desperately need the employers. Then, if the employers were too nasty, the workers could simply resign. If many of the companies were nasty, or if they conspired with one another to oppress the workers, then the workers could walk away from those companies, and the workers still could manage to get by. That would be democracy in the workplace! Universal self-sufficiency is the only basis

for true democracy in the workplace.

This scheme of universal self-sufficiency would be good for the employers as well as for the employees. Today, the workforce consists largely of people who have been forced, by economic need, to take jobs they don't care about. If all workers had a real choice of work, then employers would get applications from workers who *do* care about the job. The result would be a better team. The traditional hostilities between labor and management would fade away. (If anyone thinks these ideas are anti-business, think again!)

A good society would embody universal self-sufficiency as well as libertarianism. These two ideals are not mutually exclusive. The economic basis of the good society is a type of capitalism with a widespread distribution of capital. The capital would be held by individual people, not owned collectively. In a libertarian society, this distribution of property would not be enforced by the government. Instead, it would be up to the people to form communities based on universal land ownership. Removal of unnecessary government regulations will provide a high degree of self-sufficiency for all, whether or not everyone owns land. Universal self-sufficiency would prevent the unbridled reign of unethical business interests. There would be no new era of robber barons, as there might be if some present-day notions of "free" market economics took hold.

So far, we have two principles: maximum freedom and universal self-sufficiency. These are two of the bases of a good society.

Civil Society vs. Government

The legitimate purpose of government is the protection of the rights of individuals. There is one other purpose that might seem legitimate for

government: doing tasks that people want to do but cannot do on their own. The classic example is road-building. If the government were not there, who would build the roads? Some huge company that might or might not care about the people's needs? How can anyone guarantee that roads would get built, and would stay in good condition? Today, the government keeps up the roads and does other work that we, the people, can't very well do individually. If the government did not do tasks like this, who would do them?

There is an answer to this question. Libertarians already know the answer: place the roads in non-government hands. This does not have to mean "privatization" as we know it today. We do not need to turn the roads over to large, profit-seeking companies. We are much better off without this kind of "privatization." There is a better way to place important assets like roads in non-government hands. To understand this way, one must know the difference between *the state* and *civil society*.⁸

Most people do not separate society from the state in their thinking. People often use the word "country" to refer to a society, and also to the state, or coercive government, that controls that society. Since the time of Thomas Paine, libertarians have pointed out that these two formations are different.⁹ The state is not the same as the society, but is something added to the society. Civil society includes all the institutions and practices that make up the life of the people—everything from language, to manners, to commerce and industry. Most of what goes on in civil society doesn't depend on the state. It would take care of itself without the state.

This view of the state may seem hard to believe today, because we are so used to the state meddling in all the details of our lives. Many of us think that without this meddling, society would fall apart or would rot. But history teaches a

different lesson: that people are good at organizing themselves, even without the state! I won't give a large set of examples here, because the literature of libertarianism already discusses many such examples. But here are two examples, borrowed from the libertarian literature:

(1) Before the days of government welfare programs, many private organizations existed to protect their members who had fallen on hard times. Various clubs, occupational societies, and religious groups had arrangements like this. Usually these arrangements worked well.¹⁰

(2) If you find yourself in a crime-ridden part of town, you usually feel safer if you enter an indoor shopping mall. Why? Because the mall has private security guards—and the merchants in the mall, who pay for the guards, have a serious financial interest in keeping customers safe. This leads to a safer environment than the street outside, where the protection comes from city police hired by a big, impersonal city government that will remain in power even if it does a poor job.¹¹

These two examples, taken from libertarian writings, suggest that the need for government programs is not always as obvious as it seems. I propose (with most libertarians) that we relegate most of the present-day tasks of government to *civil society*. In practice, this means that groups of people would be free to band together and form their own associations for mutual help and support. This is different from what today's politicians call "privatization." Today, "privatization" usually means turning over the vital functions of society to for-profit business concerns. These business concerns exist for another purpose (profitmaking), and

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therefore cannot always be trusted to perform these human functions in a humane, progressive and enlightened way. The kind of “privatization” we have today is likely to benefit owners of large businesses and to harm the rest of the people. Some libertarians may agree with this kind of “privatization,” but others (myself included) foresee a better way. Instead of relying completely on profit-driven “privatization,” people should form private associations and consortia for their own mutual benefit.

In a good society, government would be small, and civil-society arrangements would do almost all the work that government does today. Let us see what some of this work would be.

First, let us take up the question of road-building. Private consortia and voluntary associations could handle this. When people build a community, they could create a “road consortium” (or even a “road club”) for the community. The club will build the roads, which the people in the club would then own. Perhaps they could own the roads jointly. Alternatively, each member could own a part of the road system exclusively, with the others retaining rights to use all the roads. The members would pay fees to support the whole project, just as we pay taxes to fund roads today. (The difference, of course, is that no one would go to jail for refusing to pay—because the state, with its prisons, would be out of the picture.) If the members had common sense, they would realize that letting nonmembers pass over the roads is necessary for business success and for social and cultural life. Shutting out the rest of the world would create inconveniences and economic hardships for the community. Thus, there would be great incentives to let nonmembers use the roads too. The result would likely be free roads instead of toll roads.

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In a society with universal self-sufficiency, the problems of roads and other public works would be far less pressing than they are today. If people had their own land, or at least were independent of specific jobs and companies, then people could live farther apart than they do now. The population wouldn't be as concentrated as it is now. This is one of the changes necessary for a good society. The population density would have to be lower than it is now, so there would be enough land for each person or family. Then there would be less need for collective public works such as public roads. People could take care of their own surroundings more effectively.

Another important job, even more important than roadbuilding, is protection against disaster of various kinds. The most basic protection of this sort is protection against the inability to get health care.

Everybody needs health care. Most people need expensive health care sometime in their lives. Some might argue that people should have to earn the money to cover their own costs. But reasonable people don't want to live in a society where sick people are left out in the street. What good is a society where people are needlessly maimed and killed just because they've had bad luck and don't happen to have a lot of money just now? A person of conscience would not want to live in such a society.

We need universal access to health insurance. Health insurance is a necessity. As a society, we need to make sure that no one is deprived of health care. Normally I don't agree with the socialists on anything. But on this particular issue, I think the socialists have made a point. It wouldn't be a bad idea to have a universal health insurance. This is something a good society must have—a good society, as opposed to a cruel society full of unnecessary, preventable deaths and maimings. Why don't we just get together and agree that we will pay into this

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regularly, and that those of us who need it will get something out? That protects everybody. Eventually, most of us will need this protection!

This universal health insurance need not be a task of government. It could be a civil-society task. It's possible to imagine a society in which universal health insurance exists through voluntary associations, and is not a function of the government. This would be especially feasible in a voluntarily formed society. Even in existing societies, groups separate from the government could handle the task of insuring everyone. I am speaking of nonprofit mutual aid associations—not necessarily for-profit companies. People of conscience could get together and agree not to let people die in the streets. People in a community could make this agreement and form the needed organizations. Communities that did this would benefit in other ways as well: people would be more likely to move to communities that offered this protection. Thus, more people would become insured.

There are disasters of other kinds besides health disasters. In today's societies there are liability disasters. It sometimes happens that you accidentally harm someone, through a car accident or some other event. Often, when this happens, someone tries to extract a huge amount of money from you. Nowadays we buy insurance against this—if we can afford insurance. Why couldn't we have a universal damage and liability coverage?

We could reduce the need for this coverage through tort reform—the reform of the civil law. The civil law system that we have today—the system through which people sue for money—is dead wrong. Nowadays, lawsuits can ruin people's whole lives, and destroy their families and children as collateral damage. The civil courts can sentence you to lifelong poverty and hopelessness through a lawsuit—even if you haven't committed any crime that would warrant life

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imprisonment, or even any crime at all. (The acts that can get you sued, known as torts, usually are not crimes.) A lawsuit can destroy you even if you win, through the huge legal fees that a successful defense usually requires. On top of all this, the civil law does not even offer its defendants the same legal protections offered to criminal defendants. This must change! We can begin by banning punitive damages, and all other damage awards besides repayment for actual financial harm. Then we must make it difficult to sue individuals, by making the person who starts such a lawsuit pay all the legal fees. We must raise the standard of proof in civil lawsuits, so no one can extract money from you without proof beyond a reasonable doubt. Finally, we must simplify the civil law so that you can know in advance which acts you can be sued for, and can avoid those acts—with no dangerous gray areas. These three measures alone would stop almost all the troubles with the civil law.

Even with these reforms in place, it would be wise to have a universal damage insurance of some kind, to cover the bad events that happen among real people in the real world. Private agreements and arrangements could do this at least as well as governments.

To create a good society, we will need to set up health coverage and damage coverage. These must protect *everyone*. They would be absolutely universal. You wouldn't pay significantly more for being old or sick. The insurance would pay reliably when you need it, no matter who you are—no exceptions. If we are going to build a good society, then this protection is something we need. I refuse to live in a society in which people die in the street, or die anywhere, from lack of routine medical treatment. I refuse to live in a society in which people are thrown into poverty by frivolous lawsuits. I can't consider that a society that I want to live in. I am sure that many others feel the same way that I do. Unfortunately, we live in

such an unlivable society today.

Today, many people are poor through no fault of their own. In a good society, there would be even more opportunities to better one's lot, because there would be more freedom. The poor would have the opportunity to get richer. But in any society, no matter how good, people might sometimes run short of money through no fault of their own. Even in a future world in which everyone is self-sufficient, it is unlikely that everyone would become equally wealthy. Also, bad things do happen, as much as we try to prevent them. So we need to protect ourselves against the wealth-consuming disasters that happen in life. The government can protect us against attacks by other people. Civil society can protect us against other types of bad events. Private nonprofit groups probably can handle these emergencies as well as the government can handle them today. Many of today's governments do not handle them very well.

The most powerful form of insurance would, of course, be universal self-sufficiency. This would protect people from many forms of misfortune that otherwise would be disastrous.

Now we can begin to understand in more detail how our two principles, maximum freedom and universal self-sufficiency, intersect. Universal self-sufficiency could best be realized as a function of civil society. *The best form of society would be a libertarian nation containing communities that embrace universal self-sufficiency.*¹² In these communities, everyone would be self-sufficient; if possible, everyone would own land. Yet no one would be forced to settle in these communities. Communities of other kinds also could exist. The communities based on universal self-sufficiency would be formed by people who understand the importance of universal self-sufficiency, and who want the

protection it affords. The government, being libertarian, would do nothing to stop people from forming these communities.

Law Without Punishment

The government exists as an agent through which you can enforce your rights. In itself, the government doesn't have the right to do anything at all! *The government has no rights.* It only enforces the rights of the people. Rights belong to the people—to individuals only. Individuals, acting together, hire agents of the government (such as police) to perform the job of enforcing the rights that belong to the individuals. Government agents also have their own individual rights, like everybody else—but the government itself has no rights. If somebody is attacking you, you have a right to fight back. If somebody is attacking you with deadly force, then you even have a right to use deadly force in self-defense if necessary. You can delegate to a government the task of defending you. If you do this, then the government can exercise your self-defense rights on your behalf. However, an individual cannot delegate to the government a right that the individual does not have. The government does not have the right to take bloody, ghastly revenge, because individuals do not have that right. You don't have that right; I don't have that right either. And you don't have a right to keep somebody in a box for 40 years in retaliation for something they did. No one has that right! You might well have the right to confine someone who is too dangerous to be free—someone who has done terrible acts and is likely to do them again. You might have a right to confine them—to keep them in a place where they cannot go around harming people. You have a right to confine someone if this is necessary for the defense of yourself and of your family. But you don't have a right to confine someone for the

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sake of retribution. You don't have that right, and I don't have that right. No one has a right to commit deliberate cruelties—to subject people to terrible suffering or loss—in retaliation for something that they did in the past.

You have a right to stop attacks. You have the right to use as much force or confinement as it takes to do this. But you do not have the right to take retribution, and especially to take the terrible, damaging kinds of retribution that governments inflict today in the name of punishment. You and I don't have that right, because no one has that right.

Now I'm going to go out on a limb on the subject of punishment. I'm going to say something that sounds shocking and radical: *Punishment is unnecessary and wrong!*

This radical statement is not as radical as it seems. It does *not* mean that dangerous criminals should run loose. Sometimes we need to take action against certain people who are doing certain destructive acts. We need to stop them—period. Sometimes we need to put them somewhere where they can't do those destructive acts. While they are there, we can try to train them to have an honest livelihood and to stop their criminal behavior, so they have a better chance to stop being criminals. We have to do something about real criminals—but *we cannot do it for the purpose of making them suffer*. This is true no matter how bad they are, or what they've done, or how badly they supposedly “deserve” to suffer. We, the people, simply do not have that right! No one has a right to take destructive, damaging retribution. We don't have the right to make someone else suffer in retribution. What is more (and perhaps even more radical-sounding), *we don't even have the right to punish for the sake of deterrence*. Deterrence involves doing bad things to offenders so that other offenders will feel fear and will not do similar offenses. In other words, deterrence involves punishing someone for something

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that someone else might someday do. Deterrence means punishing someone for the actions of others—and worse yet, for *future* actions that have not even been done yet. Nowadays we take deterrence for granted, and we call it “justice.” But think again! When you think about what deterrence really is, you find that deterrence is a miscarriage of justice.

It is hard to begin thinking this way. The ideas of retribution and deterrence are familiar to us. We have lived all our lives with the idea that wrongdoing should be repaid with suffering. We can hardly imagine a world without retribution and deterrence. But this is only a result of our past training. In reality, a world without retribution and deterrence would be a better world. And such a world is possible!

Whenever someone suggests abolishing the use of punishment as a deterrent, the thought always arises: Wouldn't society go into chaos if there were no deterrence? Wouldn't criminals run loose in the streets? But this does not have to happen! Abolishing deterrence would not cause chaos, because even without deterrence we still would be able to take decisive action against those who violate other people's rights. There are several actions we could take if the violator is dangerous. We could put offenders in an institution for the sake of keeping them off the streets. We could keep them out of society for the safety of others. You have a right to defend yourself—and there is no reason why the government can't do that for you.

It's a different matter when the offender is someone who is not all that bad—not a monster, but someone who has slipped into a lifestyle of ignoring other people's rights. Perhaps their background made it too easy for them to do destructive acts, and they slid into the habit of crime. For our own self-defense, we have a right to put them in an institution if necessary, but we should try to train them to be productive members of society. Abolishing retribution and deterrence

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does not mean letting offenders go free or “get away with it.”

There are measures we can take to deal with the dangerous elements among us. After all, we do have a right to defend ourselves—a right to protect our own safety and our families’ safety. We don’t have to give in to criminals. Society can take action against dangerous people in effective ways. Unfortunately, there even are a few people (you see them in the news at times) who have lasting inclinations to do monstrous deeds, and who probably will have to be in an institution permanently. *But even then, we can’t put them there with the aim of inflicting suffering!* It doesn’t matter how much they supposedly “deserve” to suffer—we still can’t do this. The reason we can’t do it has nothing to do with what they deserve or don’t deserve. The reason is that we do not have the right to take destructive retribution. And we don’t have the right to use punishment for deterrence, either. We cannot scare someone by making someone else suffer. That amounts to punishing someone for acts that someone else might do someday. And that’s unjust.

If the sole purpose of punishment were the use of the minimum force necessary to protect people—to get dangerous criminals off the streets, and to rehabilitate them when possible—then there would be nothing wrong with punishment. But that isn’t really punishment. It is more accurate to think of this arrangement as *the abolition of punishment*. This seems like a radical idea, but it is necessary for a good society.

When you think about punishment long enough, you start to realize that punishment is unjust. It is hard to think that way within the cultures of existing societies. People often say that if we didn’t have punishment then no one would follow the law, and society would fall into chaos. But that common argument doesn’t work. In a good society, we could deal definitively with serious offenders

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without inflicting punishment in the sense of retribution or deterrence. Of course, some of the actions we would have to take would not be fun for the offenders. But we do not have a right to inflict suffering on anyone deliberately, either as a means to exact retribution or as a means to produce deterrence.

The absence of punishment is one of the most fundamental features of a good society. The societies we have today, with the possible exception of some small tribal societies, are not good societies by this standard. In fact, they are terrible societies. It is not right for a government to inflict suffering on you because they think you deserve it, or to scare others, or to scare you. They do not have a right to inflict such suffering and loss on you—especially the horrible sufferings and irreparable, devastating losses that penal systems often inflict today. A group, a society, can confine someone only when the confinement is necessary to protect people, and not for any other reason. When we take action against criminals, we should try to limit the suffering that we cause.

Some might take offense at the idea of abolishing punishment. Some might claim that I want to let criminals “get by with it,” or that I want to “coddle criminals,” or that I am being disrespectful toward the victims of crime. I understand these concerns, but I cannot agree with these objections. Letting serious criminals “get by with it” is the last thing from my mind! Under my proposal, we can put away people who have committed serious crimes. If they are likely to commit serious crimes again, then we can put them away for as long as necessary to protect the innocent. All I am saying is that it is not our business to make them suffer for their crimes or for the crimes of others! We can take serious action in cases of serious misdeeds, but we do not have a right to make people suffer for the sake of retribution or deterrence. There will, of course, be suffering as an unavoidable side effect of actions that we must take for the protection of the

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innocent. But the suffering cannot be the aim, and cannot be a means to an end. We can't use the suffering to scare anybody, or to take retribution, or for any other purpose.

Some people might feel that this proposal contradicts their religious beliefs. They might think the idea of abolishing punishment runs against a belief that God demands retribution against sinners. I don't wish to discuss religion here; the ideas I am putting forth are for people of all faiths. But I will say that the religious argument for government punishment is wrong. Religion is a matter of personal faith; the state should not impose religious beliefs on anyone. A government must have secular reasons, not religious reasons, for its actions. If someone's religion teaches that punishment is good, that doesn't imply that the government should punish—any more than the government should make people go to church just because some religions teach that going to church is good. Another point to consider is this: Even if God punishes (and I am not saying whether God does), that doesn't imply that *we* have a right to punish. A just punishment (if there were such a thing) could only be imposed by a being who knows exactly what went on in the heart and mind of the offender before, during, and after the crime. No human judge has this power. No government has this power.

Abolishing punishment is essential for a good society. If you live in a society where the government can willingly hurt you, and even can do irreparable harm to you, just for the sake of making you suffer, then you are living in a cruel society. You are not living in a good society. What governments do today is cruelty. It's also bullying. When a whole government made of thousands of people gangs up on a captive with the aim of doing serious damage, that's an instance of bullying. If a government can do that to you, then for all practical purposes, you are the disposable property of the government. The government

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owns your body, your mind, and your hopes, and can smash them all for its own convenience. You are a slave! Government by punishment is slavery—an arrangement in which a person's body and soul belong, for all practical purposes, to someone else. There can be no slavery in a good society.

This is all I will say about the subject of punishment for now. Punishment is one of the most important subjects we have to consider when we think about a good society.

A good society with a proper economic and political basis would have a lot less crime than do present-day societies. In a truly free society, relatively few acts would count as crimes. Today, many of the crimes for which governments punish people are victimless crimes—in other words, mostly acts that don't need to be crimes. There are many actions that are a person's own business, but that today's governments treat as crimes. Also, there are a lot of silly little government regulations that can land you in big trouble. Anyone who has tried to start a business knows this. There should not be unnecessary laws. If there were no unnecessary laws to define crimes into existence, then there would be a lot less crime. As for the real crimes (like murder, rape, robbery and fraud), there would be a lot less crime if society had a decent economic basis. If people were universally self-sufficient, there would be much less crime! There would be no impoverished slums—none of the troubled neighborhoods that today cause so many children to think that they have nothing to look forward to except a life of crime. If people have the ability to support themselves, then abject poverty will disappear. If people have enough land to be self-sufficient, or even if they just are able to work for themselves, there will be a desirable side effect: people will tend to live farther apart. People will not have to be crowded together as they often are today. Neighborhoods will not suffer the ravages of urban decay; slums will not

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form. Think about it! No one will have to live in a slum. And no one will be extremely poor. There might be some people of modest means, but no one will be very poor. Those who legitimately fall on hard times will be able to get by, and will be able to benefit from any voluntary, civil-society insurance arrangements they have joined. And all will have the opportunity to become wealthier.

Many politicians, in speaking of crime, insist that we should take personal responsibility for our actions. Personal responsibility is important, but the idea that all criminals are fully responsible is simply foolish. Most crime is at least partially a result of evils that are not the offender's own fault. Often the underlying problem is ignorance. Consider a child who grows up in a neighborhood where no one ever thinks of being anything but a welfare recipient or a drug dealer. That child never even learns the words or thoughts with which to think about success. When that child finally does something wrong, we can't put all the blame on the child.

There is an important first step that we must take, right now, to make existing societies more decent. We must get rid of inhumane prison conditions, right now! Some might find this painful to admit, but most prisons today are hellholes—even in the so-called civilized countries. Prison walls often hide cruelties that are beyond normal human understanding. I blame most, and probably all, countries for having hellholes for prisons. In a good society, there will not be prisons as we know them today. In certain instances, we will need to place some people in institutions where they can't hurt others. But these institutions will not be the dungeons that exist today. We, the people, cannot tolerate the existence of hellholes even for an instant. We must take political action on this issue now.

Education in the Good Society

Another issue important for a good society is education. Education is extremely important in any society. Today, most educational systems seem designed to turn children into robots who can fill jobs in the pseudocapitalist economy. Many public schools today seem designed only to make you employable—in other words, to turn you into an artificially disciplined being that can hold a job. That appears to be the real aim of education in economically developed countries today. We cannot let this continue! We have to create schooling arrangements that teach children to think for themselves, and that bring out in children those abilities that truly are their own.

There are many different theories about education. Adults inflict these theories on children in various ways. But the true imperative for education is this: instead of just putting children in boxes and in lockstep, and making them be like the other children, we have to bring out their unique talents and abilities. Children have to be able to develop a sense of their own worth. Some modern educators may have misused the idea of self-esteem, but that doesn't change the fact that children need to develop a sense of their own worth. Children need to learn that they are good—and that they are good even if they don't have as much ability in some area as some other child. Children need to learn that they have a right to be here in this world—not after they become “better” by someone's standards, but just as they are now. Many religions say that you are a child of God. It is possible to express the same idea in a nonsectarian, secular way: just say that you have a right to be here. You're born into this world, and you have as much right to be here as anybody else. You are as good as anybody else. Children should not be laughed at, and should not be made to think that they're no good. No one should embarrass

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a child in front of other children. If discipline becomes necessary, it should be done in a way that is educational and not humiliating. These ideas are not new. These changes can happen!

We need to recognize that children have rights, just as adults do. Today, almost no one fully believes this. Some people realize it, but most do not know that children have the same fundamental rights as adults. The only special limit on children is that children are not mature. This is a limitation that children have, but it does not make them lesser beings. All of us have limitations. I have limitations; you have limitations; all the world's leaders have limitations. So the fact that children have limitations doesn't make them second class citizens. Children are immature. They have a lack of development and background. Adults need to let their experience stand in for this development and background while children grow. We need to be sure that children don't stick the fork in the light socket, and so forth. But we don't need to impose rigid standards that children can't really live up to. In some present-day societies, the schools practically place children in boxes, and subject all of them to the same education—a treatment that is not suitable for most of them. We need *individualized* education. We need to find out what's good for the child, instead of relying on some preconceived standards of what children should be like.

There are two evils happening in today's schools that absolutely must stop. One practice that absolutely must stop, right now, is the forced drugging of children who act up in school. A few children in a school might have real brain disorders and might need medication. But nowadays, in some countries, the schools use drugs to control the behavior of children who seem "difficult." Undoubtedly, some of these children are simply too intelligent for the teacher and the material, and have become unruly out of boredom. Drugging these children is

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an atrocity! If these drugs had been in use a hundred years ago, most of the scientific geniuses of the past century probably would have been drugged into uselessness by the time they finished school. Many of these geniuses were ill-behaved “problem children.” Any society that will drug a child to enforce obedience has forfeit its right to be called a civilized society.

The other abuse that must stop is the lawlessness in schools today. Kids shoot each other regularly. Kids bring guns to school. This is an outgrowth of the violence and chaos in society at large. I remember a time and place in which kids never thought of bringing a gun to school—even though many of the parents owned guns! Perhaps the dumbed-down schools and latchkey homes of today prevent kids from learning enough good sense to know that guns are not toys. But even before guns became common in school, violence in schools was commonplace. Even without guns, kids persecuted and beat each other in school—and the teachers and other adult staff didn’t do much about it. I have seen the results of this. There are kids who go into adult life believing they are worthless—and they believe this because of the teasing and bullying that went on in school. This has to stop right now. We can’t wait until it ruins more lives. Constant persecution of a kid by another kid in school is not allowable. Teasing and bullying are just plain wrong. School teasing is not the same as an adult ridiculing another adult, because adults are more mature and their brains are essentially complete. Kids in school are still forming in many ways. They are undergoing brain growth; bad experiences might sharply influence this development. Often, kids do not yet have the emotional strength to resist or ignore teasing and bullying. School teasing and bullying are not just annoyances. They damage kids permanently. We must stop these evils—now.

We need to create schools that treat kids as valuable human beings.

Teachers and principals need to take the trouble to design the school experience to fit each kid's own unique abilities, talents and promise. We have to stop the heavy-handed conformism that now exists in school. *We absolutely must not* pill down the kids who seem difficult. We have to stop the teasing and bullying. These changes are not optional! They must happen! These evils have to stop, or else our society doesn't have a clear claim on the title of "civilization."

Creating a Good Society

The remaining question is how to carry out all these changes in society. This is the crux of the whole discussion. I've been outlining the characteristics of a good society—what such a society would have in it, and what it would not have. The big question is how to do it. How can we, the people, possibly fulfill this vision of a good society?

One way is to try to change the societies we now live in. This aim may seem too idealistic at first—but history shows that it can be done! Massive social reforms have happened in the past, and can happen again. The legal abolition of slavery in most countries is the prime example of such a reform. There is no reason to doubt that other important changes can happen in the future. We can do this if enough people get together, confront the politicians, and insist on the right changes.

Another way to move toward a good society is to form new communities. A group of people could pool part of their resources, buy land, and divide it among themselves (not hold it in common, but own it individually) to create self-sufficiency within the community. In the past, social and religious movements, both good and bad, have tried social experiments and "intentional communities" of

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various kinds. Why not create communities based on the ideas of the good society? These communities might not be full-fledged good societies, because they still would be subject to the laws of the nations in which they exist. But they would be steps in the right direction. Such communities would not be eccentric, secretive communes. They would simply be ordinary towns, cities, and farming areas in which people live normal lives and do normal business. The difference is that they would operate according to the principles of the good society to the greatest extent feasible.

Good societies also might form if new nations, at the time of their formation, choose to adopt the ideas of the good society. The set of countries in the world is not fixed. Occasionally, new nations form (as did the United States in the eighteenth century and Israel in the twentieth), or nations regain their independence (as did the former Soviet nations after the fall of the USSR). If the ideas of the good society gain traction in the world, perhaps new nations will consider adopting those ideas as a foundation for their constitutions.

The project of spreading democracy in the world is well-known and respectable. Today, democratic reform movements receive hearty praise from existing democratic nations. Why not spread an even greater freedom—that of the truly good society?

If a truly good society came to exist, the impact on the world would be enormous. The word “republic” comes from Latin words that mean “the people’s thing.” A free society based on the ideals of the good society would truly be the people’s thing. A society of this kind would be a place for people of goodwill. It would be a place for people who reject government cruelty, punishment, and the mistreatment of children. It would be a haven for those who deplore the exploitation of the weak, and who reject the notion that anyone should have to be

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poor. Among this society's inhabitants would be people of conscience, people of goodwill, who are ahead of their time—who embrace standards of civilization that are uncommon on Earth today.

Once a good society comes to exist, it will be a nucleus from which other societies can learn. If there were one good society in the world, it would set an example for all other societies. A good society would become the conscience of all societies and of all nations. It would give people everywhere the moral encouragement that they need to create a better world. The people of the world would notice that there is one place with little crime—and that place manages to stop crime without hellhole prisons. The people would notice that there is one place with good schools—and that place doesn't have to beat or drug its children. People of conscience the world over would ask, "Why can't we do that for ourselves?" In this way, the good society would become the conscience of the world.

We, the people of Earth, face two parallel challenges. First, we have to consider how to reform our existing societies and governments so they live up to the ideals of the good society. Second, we have to envision the coming of something new—the creation of new communities, and the birth of real freedom in any new nations that might come to exist. These are the two parts of the mission we must undertake if we want to move forward to freedom. If we carry out this mission, we can make as much progress toward humanizing the world in the coming century as we have made in many previous centuries combined. The reform of existing nations and the perpetuation of freedom in new societies are the two paths that we must walk down if we want the world of tomorrow to be a truly good world.

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Notes

General Notes:

Previous authors have used the phrase “good society” for conceptions of society different from the one I discuss here. Walter Lippmann, in particular, wrote a book titled *The Good Society* (full title, *An Inquiry into the Principles of the Good Society*). Lippmann’s ideas about the good society are different from mine.

This essay owes debts to the literature of libertarianism and of distributism beyond

what is cited in the specific notes. Many of my statements about these two schools of thought are derived from general knowledge in these areas instead of being borrowed from a particular author. Hence I acknowledge these two groups of thinkers, in their diverse entirety, as sources.

Specific Notes:

- ¹ For an introduction to libertarian thought, see for example Boaz, *Libertarianism: a Primer*.
- ² Key early thinkers in the distributist movement include Hilaire Belloc and G.K. Chesterton. See Belloc's book *The Servile State* and Chesterton's book *The Outline of Sanity*.
- ³ This is clear from much of the literature of distributism, especially Belloc's seminal work *The Servile State*.
- ⁴ Distributists typically consider distributism an alternative to capitalism and socialism (see Belloc, *The Servile State*, especially sec. 7, and Chesterton, *The Outline of Sanity*, ch. 1). However, Chesterton says that modern capitalism really should not be called capitalism at all (*The Outline of Sanity*, p. 7). Chesterton comes close to saying that distributism, instead of today's so-called capitalism, is the true capitalism (*The Outline of Sanity*, pp. 5-8). What I am calling "real capitalism" involves universal self-sufficiency, but does not involve the whole distributist agenda. Note well that I do not endorse the social conservatism of Chesterton and other distributists.
- ⁵ See especially Belloc, *The Servile State*, pp. 15-16, and Chesterton, *The Outline of Sanity*, ch. 1. On the question of whether today's "capitalism" really is capitalism, see note 4.
- ⁶ In the early twentieth century, Lippmann warned us of the danger of state-sponsored corporate power (*The Good Society*, pp. 13-19, 308-310). Rothbard (cited below) took note of Lippmann's position (*Power and Market*, p. 79) without endorsing it. On the expansion of corporate power today and in America's past, see Nace, *Gangs of America*.

- ⁷ Rothbard, *Power and Market*, pp. 79-80. Note that I do not necessarily endorse all of Rothbard's ideas.
- ⁸ On the civil society vs. state distinction, see Boaz, *Libertarianism: a Primer* (especially ch. 7), and Thomas Paine's classic work *Common Sense* (a relevant excerpt is in Boaz (ed.), *The Libertarian Reader*, pp. 7-12).
- ⁹ See Thomas Paine, *Common Sense* (excerpted in Boaz (ed.), *The Libertarian Reader*, pp. 7-12).
- ¹⁰ These arrangements are discussed in Boaz, *Libertarianism: a Primer*, pp. 136-142.
- ¹¹ I borrowed the core of this example from Boaz (*Libertarianism: a Primer*, p. 239); I took some liberties with the details.
- ¹² Boaz (in *Libertarianism: a Primer*, pp. 286-289) discusses the possibility of multiple voluntary communities, with different social and economic arrangements, under the umbrella of a libertarian government.