

Panarchy



Essays in the new political philosophy

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On Tolerance

John Zube
(1982)

Tolerance and the Worker's Party (by a dissenting member, John Zube)

The Worker's Party has, in common with other parties, a basic intolerance: its platform is to be realised for all, even dissenters. The possibility for them to opt out or not to be subjected to the Worker's Party's laws in the first place is not spelled out, or is at most only weakly hinted at or implied in some passages. But such an important truth must be got across as clearly and unmistakably as possible if we want to avoid the usual party struggle.

We could gain the goodwill even of our opponents—their tolerance for all our tolerant experiments—if we would also clearly fight for **their** freedom to experiment among themselves. Instead of a further struggle, we could and should offer our opponents the fulfillment or continuation of **their** ideals, for themselves and at their expense and risk. They cannot rightly ask for more.

While at the same time, tolerantly realising our ideals for ourselves, we could hope that the others would soon see the light—our successes and solutions—and join us.

In other words:

Tolerant people could gain the support even of their enemies, if only they would leave their enemies alone in their pursuit of their happiness according to their ideals and utopias. We do not have to love our enemies, but we do have to tolerate them. Then and only then could we expect the same in return.

Our intolerant approach makes us enemies everywhere whilst a tolerant approach could gain us friends everywhere. Threatening to dominate the followers of other parties, even with the objectively best system, only gets their hackles up, and induces them to resist us. Offer them tolerance and they would also tend to let us go ahead, minding our own business while they pursue theirs—including their socialistic enterprises—at their expense and risk.

Tolerance is not just a liberal value, of value only to liberals, but an opportunity and a right and duty for all people who want to see their ideals realised, peacefully, non-coercively, in the fastest possible and in a completely just way, by and among their believers, for their benefit, and exclusively at their own risk and expense. Nobody could benefit more from a generalised tolerance of this type than the members of the Worker's Party could.

If we continue to be intolerant, we will encounter only intolerance, hatred, resistance, and prosecution, and will not even gain a fair hearing anywhere with most people.

But once we become tolerant towards the tolerant actions of even our enemies, and are clear and outspoken about this, then we would have the best chance to be tolerated ourselves in all our projects. What more could we ask for?

Do you doubt the practicability and profitability of freedom? Then you should not be in this party!

Do you doubt that even the smallest business enterprise or market agency based on individual freedom would have the chance for unlimited and voluntary growth when there is also freedom of expression and information? Do you doubt the persuasive power of facts, demonstrations, experiments, experience, observation? Then again, you should not be a member!

Do not expect new laws or regulations—or their repeal—to recover your liberty. Just ask for a 'fair go'—for exemptions and examples on the basis of the principle of freedom to experiment.

Your experiments are the only ones likely to be successful in the long run and to any large degree. So what are you afraid of? Are you afraid to appear to be too tolerant? Tolerance for your enemies' experiments would only help you to reveal the flaws in their theories and thus make converts for yourself.

Discard the collectivist notion that all must undertake the same steps at the same time—that progress is to come only through general law repeal—after a change of public opinion. This way only numerous disappointments will be found. And it is a way contrary to your general belief in individualism, free contracts, private initiative, and experimentation.

Masses don't ever act progressively. At most they follow suit. Only individuals and minorities initiate progressive steps, and it would be foolish for them to wait until they have converted the majority. Give them the chance, no matter under what flag they make their attempts. Or are you afraid that you might lose in free competition with the collectivists?

In short, claim your equal right to opt out or secede from the socialist and welfarist mess, and to do your own things at your own risk and expense. You have nothing to lose but your subsidies, taxes, and restrictions.

The Gospel of Panarchy

John Zube
(1986)

PANARCHY: The realisation of as many different and autonomous communities as are wanted by volunteers for themselves, all non-territorially coexisting, side by side and intermingled, as their members are, in the same territory or even worldwide and yet separated from each other by personal laws, administrations, and jurisdiction, as different churches are or ought to be.

PANARCHISM: The body of knowledge and thought regarding the theories and practises of such voluntaristic non-territorial and autonomous communities (Panarchies), considered as the rightful peace-, freedom-, property-, and reform-promoting alternatives to any attempt to set up or continue coercive, exclusive, uniform, territorial, or centralised and supposedly ideal or best possible communities for all, whether their subjects agree or disagree.

Panarchism teaches that panarchies form the ideal societies for diverse human beings, and that they would speed up the development and progress of man and his institutions to the utmost, in a peaceful and peace-promoting way. Panarchies, while permitting and institutionalising one-man revolutions, would reduce the incidence of violent revolutions and wars, while retaining and even increasing the capacity of peace-loving people to resist and defeat violent aggressors.

The following are some principles of Panarchism which might be considered as amounting to The Gospel of Panarchy (at least once they have been fully collected and expressed more attractively than is here the case):

1. You do not have to love your neighbour, but you do owe him justice.
2. People are different and prefer different things—even in the sphere of laws and of social, economic, and political institutions—and are entitled to have them, in accordance with their own individual choice and at their own expense and risk.
3. If you can't agree with them, do not join them or stay a member. Secede from them and do your own thing.
4. Each has the equal right and liberty to live differently.
5. Each has the right to do his own thing, to live within his own system, quite undisturbed by others. (Even by leaders, majorities, and people considered to be professionals and experts.)
6. Let your actions be free and let them take you where your thoughts take you, as long as you respect the same right in others.
7. Be tolerant towards all tolerant persons, peaceful towards all peaceful persons, and leave them alone while they leave you alone.
8. Act only within and up to the limits set by yourself, as long as you let others set their own limits, and respect the limits set by others for their own actions.
9. Agree only to disagree with dissenters and leave them alone and allow them to leave you alone.
10. Agree only and insist only upon agreement among people who are agreeable to you and your ideas, opinions, and institutions. Between you, and at your expense and risk, anything goes.
11. Everyone has the right to make mistakes and to act foolishly at his own expense and risk and among like-minded people.

12. Everyone has the right to make experiments among like-minded people, even in the political, economic, and social sphere.
13. Freedom of action for all who respect freedom of action for others.
14. Tolerance for all tolerant actions among tolerant people.
15. Find, grow, develop and realize yourself, your aims, your methods, your institutions and systems and principles, but only alone or among like-minded people who, with you, volunteered to do so, shutting out all politicians, bureaucrats, and experts that are not wanted by you and your voluntary associates for your own internal affairs.
16. To each his own, no more, no less.
17. Each to be the master of his own fate.
18. Each to be free to pick his ideology, social organization, and cooperators, and to experiment together with them, at their own risk and expense, in the same way that he may now pick his own friends or religious associates.
19. Each to be free to pick his own international allies and enemies, make treaties with them or resist their aggressive acts, as he pleases, provided only that he does so within the framework of individual rights and liberties, which reduce indiscriminate warfare and revolutionary actions to rightful and limited self-defence and policing actions against aggressors.
20. In other words, people to be free to decide for themselves whether and to what extent they want to be at war with each other or at peace, and for what rightful aims they are to struggle, if they are to struggle at all.

Non-enumeration of similar principles, commandments, or articles of faith in this first declaration does not mean that they are to be excluded. On the contrary, an appeal is hereby made to help find, formulate, and include all other formulas and wordings and to edit and improve the present ones, in view of a panarchistic gospel or platform or agreement between all minority groups striving for and being content with full autonomy on a non-territorial basis. A single expression of panarchistic freedom is obviously not good enough to convey its full meanings, otherwise Panarchism would already have

been clearly understood and realized long ago. Thus I invite the discovery or formulation or description of all its facets in optimal wording. To sort all these out, in an attempt to find out which are the most successful ones, they might later be arranged in form of flow-chart discussions. Or one might merely collect the objections raised to each particular formula and then assemble all those wordings which have not provoked any opposition.

Panarchy: Some Foundations

Michael S. Rozeff

Panarchy Introduced

In any society, governance is an essential. It is not a question of governance or no governance. It is a question of what kinds of governance.

In the world at present, political governance is defined by and linked to territory, which in turn is usually linked to a single overarching political entity, a national state. This worldwide structure is either on the verge of or actually in turmoil. There are hundreds of organized separatist movements throughout the world, and those movements are only a fraction of the potential organizations of governance that might come into existence given the freedom to do so. While many, if not most, of these movements have their own territorial aspirations and do not hold *panarchy* as a guiding principle, they signal that many peoples are seeking an improvement in their welfare by political independence from the nation-state they are presently constrained to obey.

Panarchy is the logical outcome of the freedom to choose one's political governance. Panarchy refers to a framework of social interactions in which political governance is no longer territorial, and in which persons choose and live by a variety of governance alternatives at will and on what now is considered one territory. Panarchy comprises social and political relations of nonterritorial

governance that arise from people who have the liberty to make their own choices of governing institutions.

Panarchy contemplates competing governments on a given area or territory. That area can be anywhere in the world, or comprise any part of the world, or even be the entire world. It need not be contiguous. Where there is competition among governance organizations, consumers have the liberty to choose or not choose, to affirm or to exit, a government within a region. With such liberty to select or exit a government, there can be no single and monopoly government on a given territory unless everyone on that territory chooses it. There can also be many and overlapping kinds of governance organizations in one region. For large regions of Earth, such as are now ruled by many States, single governments will, with freedom of choice, give way to multiple governments, although some activities may conceivably be chosen by everyone or nearly everyone to be managed by a single organization.

At present, nearly all of us are made citizens of one national government. The decisions of that government hold for all its citizens, the result being that the preferences of many are frustrated. The losers in each election are invariably unhappy. The losers in many political contests over legislation are unhappy. Panarchy envisions a new way that enhances the social welfare. Any person or group of persons may have their own government all the time. This can happen if each government is nonterritorial or exterritorial. This method of social organization is Panarchy.

The belief that government must be territorial and control vast amounts of territory and the people who live in them not only reduces social well-being, it is erroneous. In Erie County alone, where I live, there are 3 cities and 25 towns in a rather small area covering roughly 30 miles by 35 miles. Erie is one of 62 counties in New York State.

A town is a semiterritorial form of government. No town claims to cover the entire county, but each town governs a given area. Within my town, there is already divided jurisdiction over roads. A county road can join a town road which joins a state road. There are already divided police forces. There is already an array of different park systems, school systems, and sewer systems.

Inside Erie County, there are multiple and territorially overlapping jurisdictions. This is a characteristic of Panarchy. Such an

arrangement is a far from completely realized condition of Panarchy, but it is suggestive.

At the moment, national governments impose their laws on everything in their territorial domains of power. Provincial, state, county, district, city, town, and village governments are often as much ordered about and forced into measures as any single person. The organization of the world into a relatively small number of nation-states does not provide the competition in governance organizations that would free up the system and lead to improved well-being.

Much as I believe that most of what governments do is both counterproductive and evil, I am vastly outnumbered by those who disagree with me. The promise of Panarchy is that we all can be better off, despite our differences, by having the governance organizations of our choice *all the time*.

Panarchy Formally Defined

Panarchy is a social and political condition in which different groups of people may choose different states (or government or governance covering matters and goods of their choosing) that have sovereignty and legitimacy with respect to them (and not others who do not so choose), under the condition that the state's sovereignty and legitimacy are in accord with natural rights. Furthermore, a people's state of choice may not declare itself a monopoly ruler over territory containing persons who have not chosen that state. That is, a state may not extend its jurisdiction to persons in a given territory who do not select that state to govern them.

I use the term "state" here reluctantly, and only so as to link existing conditions with what may occur with Panarchy. The state as currently defined will not be the same as a state in Panarchy. A better approach is to think of people as choosing nonterritorial governance organizations.

Panarchy is then a condition of freely chosen and rights-upholding rival organizations of governance operating on the same territory. That territory may be global and beyond. Governing institutions may include people from many different countries, just as churches and beverage companies span the globe or as admiralty and maritime law is used by a number of countries.

It is probable, as in many visions of anarchy, that there will be no monopoly supplier of justice and law-enforcement and no monopoly supplier of security. Many agencies can exist. The state as a territorial entity vanishes, but the gain is a vast increase in the possibility of other governance organizations that more satisfactorily provide services now being monopolized by territorial states. In some visions of minarchy, there are sole suppliers; and the state is a very limited state. This is feasible in Panarchy, as are many other possible states. We may define a panarchic state as a nonterritorial, rights-upholding or rights-preserving organization with the monopoly power of coercive rule that arises in conjunction with a group of people that it rules. A panarchic government is nonterritorial and does not infringe rights. It supports and upholds them.

Panarchy contemplates that a region or country or place may contain freely chosen rights-upholding governance organizations, including possibly panarchic states, that various collections of people demand. It does not rule out that a people may own and aggregate contiguous territory and then create governance organizations and/or a territorial state or states over that territory; but such a condition would differ drastically from existing states. By existing states, I mean the standard political states that now divide the globe into one hundred or so jurisdictions largely separated territorially. In existing states, the claimed territory invariably includes large numbers of persons who do not endorse the existing state that claims sovereignty and legitimacy over them. Given a choice, large numbers of persons would opt for different governments from those they now have.

Personal Rights

To understand at least one basis for Panarchy, let us look first at personal rights and welfare. They provide the reference point for analyzing the logic of existing territorial states as contrasted with the rights-upholding nonterritorial governance organizations of Panarchy.

This can be done by starting with a Jeffersonian axiom. I posit that each adult person, each human being, possesses or is endowed with full decision rights over his own actions, that is, the rights to determine how, when, and where he will act. These decision rights I call the person's (natural) right to his life, by which is meant the decision

rights involved in running the person's lifetime activities. The person may give up or trade off some of these rights of decision-making to obtain goods he wants. He may, for example, choose to work for someone else, obeying that other's commands, in order to obtain goods.

The person with a right to his life will naturally pursue his own ends and, to do so, will want both liberty (which includes the right to give up portions of that liberty under conditions of his choosing) and the right to control some resources. The reason for pursuing one's ends is to achieve an internal psychological goal that is typically labeled happiness or utility or welfare. The right to one's life thus takes on concrete meaning only in conjunction with the right freely to seek happiness and the right to own some form of property.

The rights of the person, starting from the right to his life, are paramount and logically precede any notion of a governance institution or a state. The latter are tools arranged by persons for definite purposes that are expected to enhance their welfare. This is because there is no moral or proper reason for people to form any organization unless it is to serve the ends of the people who create it. Their ends, no matter whether they are selfish or altruistic, are necessarily actuated and experienced at the level of the person, and this is the reason for this approach. Consequently, if a state or any governing organization is to aid a person in enhancing his welfare, then it surely cannot trench upon the right to a person's life without that person's prior approval. A person can give up some of his decision rights over his own actions in order to achieve an increase in his personal welfare; but that decision must be voluntary, because if a person's decision rights are taken away from him involuntarily, then that necessarily lowers the person's welfare.

Can a person sign away some decision rights not only voluntarily but also irrevocably? Yes, this is possible. In doing so, a person may recognize that in some future conditions that his life may encounter, he will be unhappy and wish that he had not given up rights; but he may reckon that those situations are unlikely or that overall most future situations will be to his liking so that his expected utility rises.

States

Existing states possess three basic properties: sovereignty, legitimacy, and territorial monopoly. Existing states are defined as organizations that have legitimate sovereignty over a fixed territorial area. They have a legal monopoly of violence in a fixed region.

Panarchy allows certain kinds of states (nonterritorial) and not others (territorial) unless they are put together voluntarily. It also stipulates that people freely choose these states, and that these states act in consistency with the rights of their citizens. I distinguish existing states, which routinely violate natural rights, from hypothetical or ideal panarchic states that act in accord with natural rights. Even if existing states were nonterritorial, they would still be morally unacceptable because of their rights violations. Hence, the panarchic states that I envision as compatible with Panarchy are fundamentally different from existing states.

Sovereignty is the ability of a state to exercise supreme rule over “the people” of that state without interference, externally and internally. Legitimacy means that “the people” have ceded some degree of sovereign power to the state that allows it to act for them and allows it to use power over them under defined circumstances. A state cannot become legitimately sovereign except by the free choice of a people. Original sovereignty resides in the decision rights of the people; a rights-upholding government is an organization of their creation. We can easily imagine and find historical instances of governments that impose themselves on persons and rule them without respect for their rights. They would possess an illegitimate power of supreme rule. They would hold this sovereignty only as long as no other power, including that of the people they rule, displaced them.

Imposed Territoriality Infringes Rights

I now show that a state cannot be rights-upholding if it is territorial in nature, as existing states are. Sovereignty and legitimacy are not possible for states unless “the people” are identifiable. Existing states identify their peoples using territory. With certain exceptions, persons born within a given territory, whether they like it or not, become citizens of the state that has sovereignty over that territory. Even if a state is rights-upholding in other respects, there is no rights

justification for a state's impressment of people into its citizenry ranks by virtue of their location. The choice of state must be up to the person, or else that person cannot accord the state the necessary sovereignty and legitimacy that a state depends on to be rights-upholding. The very use of territory by states to rule a body of people assures that the state cannot attain a legitimate sovereignty, because in every territory there are many people who prefer governments other than the ones they have.

The preceding argument shows that territory cannot possibly be a rights-based foundation for a proper government. There can be no legitimate state unless people are free to choose one, and a territorial basis for the state precludes such a choice. It does this by running roughshod over the rights of any and all minorities of any size from one on up that do not endorse that government or who would choose a different government if they had the opportunity to do so without having to emigrate from their country.

Another argument reaches the same conclusion. The choice of state is a prerogative of the person that flows directly from the rights to life, liberty, and the pursuit of happiness. A state and its government have no justification except to further the welfare of the persons it rules. If a state comes into being or has its size and viability determined by the agreement and approval of those under its aegis, then it does not violate their rights. If, for example, everyone agrees to compulsory national service, then there is no rights violation. But if the state is ruling people that have not freely chosen that state, then it is violating their right to pursue their happiness in their own way. State territoriality rules people who have not freely chosen that state. Therefore, territorial states are not rights-upholding.

Territory thus cannot possibly be an imposed feature of states in Panarchy, because territoriality in general leads to rights violations. Without territory as a criterion and control device, how are states to identify the people that legitimize it? The answer is that the people will choose the state, rather than the state impressing the people into citizenship. And if people choose their own states, then the legitimacy property of the state's power is satisfied.

Freedom of Political Association

Many of us already accept premises that imply Panarchy. Freedom of association is one such premise. The right to associate freely follows closely from our right to our lives. We cannot act to achieve greater happiness unless we decide with whom we associate. The right to associate implies that we may freely associate for any peaceful purposes we choose. Such purposes include family, friendship, scientific, artistic, religious, and governance ends. We may not associate to drive others from a territory or force them into a territory. Thus the freedom to associate peaceably supports the concept of Panarchy.

The First Amendment of the U.S. Constitution does not explicitly guarantee freedom of association. But freedom of association is a necessary condition for the freedom of religion, the freedom to assemble, and the freedom to petition the government that are mentioned in that amendment. The First Amendment presumes freedom of association. Otherwise the other freedoms that it mentions are vacuous. The Supreme Court of the U.S. has ruled that freedom of association is essential to free speech. Indeed, much of the rest of the Constitution makes no sense unless there is freedom of association. How could there even be a “We the people” unless the people associated? How could this “We the people” even express itself unless the people associated? What meaning would this association have unless it were free?

Whether or not the people actually freely associated in devising and approving the U.S. Constitution is another matter. That the concept of free association is a necessary condition for that document to have any meaning at all is indisputable.

Freedom of Religion

Freedom of association is a basal freedom. It is indispensable, substratal, elemental, and essential. It is necessary to other freedoms such as freedom of religion. If we support freedom of association, it follows that we must support freedom of religion.

We can understand the meaning and implications of Panarchy by thinking about the analogous case of religion and churches. Churches are nonterritorial institutions of social governance, whereas states are

institutions of political governance. But there is also overlap. Churches offer some of the same kinds of governance that the state offers. A church can arrange the settlement of disputes. It can help the needy and the ill. It can have schools. If we have a multitude of nonterritorial churches, as we do, then we can have a multitude of nonterritorial states.

More generally, we can have a multitude of nonterritorial governance organizations. The functions that people freely assign to them to handle need not be the functions they have assumed historically or assume today. Panarchy has peaceful organizational competition that caters to choices that persons have the liberty to make. There is no telling how such governance organizations may evolve when there is competition in the very structures of organizations that purport to deliver governance services.

The separation of church and state, which is an established arrangement in many regions, is a major step in the panarchic direction because it helps break down the territorial and other monopolies of the political state and because membership in a church is both voluntary and nonterritorial.

Church-state separation is a matter of freedom of religion. Separation means that the state does not dictate the same official religion for all its citizens. People have the choice of religion. A person can enter a church, and he can leave a church. He can do this without leaving the country in which he was born. In entering a church, he is freely choosing with whom to associate. He is freely choosing his method of worship. Freedom of religion is an implication of freedom of association. If a man or a woman can freely choose religion or no religion at all, why can't a man or a woman freely choose what political system to participate in or choose no political system at all? Freedom of political choice is what prevails in Panarchy.

Freedom of Politics

Peoples in many regions of the globe have or advocate freedom of religion. Freedom of religion is a right that requires the more basic right of freedom of association. If we have or endorse or hope to realize freedom of religion, then we necessarily have or endorse or hope to realize freedom of association. And if we endorse freedom of

association, then we logically must endorse freedom of political association. From freedom of religion, it is a direct line to freedom of politics, which means Panarchy.

If we support freedom of association, then it follows that we must support freedom of political association, or freedom of politics. And that implies support of Panarchy.

Do we have freedom of political association? Do we have freedom of politics? Most assuredly, we do not. While there are very many religions and churches, there is but one national political system in most parts of the world. One cannot enter a national political system and leave that system to join another at will. It is as if there were a single church. One may choose a red pew or a blue pew, but one may not leave that church to set up another church. One must leave the country altogether in order to participate in another political system. But there is no earthly reason why a person should have to leave the place of his birth and leave his family, job, and relationships, in order to select another political system.

Freedom of political association does not mean merely the right to associate and then take part in the government of the monopoly state, although such a meaning is preferable to a situation where there is but a single political party. Such a limited right constrains the individual to a single politics, a single political system, and a single state. Freedom of politics means the right to choose one's political system altogether. And that spells the end of the monopoly political state as we know it.

Brute Force

If we revere freedom, then we revere freedom of association. And if we have freedom of association as a precondition to freedom of religion, then we have it for freedom of politics too. If we are not able to exercise that freedom of political association, it is because we are being prevented from doing so.

The U.S. experience provides an example. The U.S. Constitution did not clearly and explicitly support freedom of political association of the states that created the Union. It established the national political system that Americans have. Although it left secession, which is an act of free political association, somewhat in doubt, statesmen prior to

1861 in both North and South expressed the theory that states could secede from the Union. The individual states formed the Union; they had not signed onto a perpetual Union. They had not signed away the right of free political association.

Like separation of church and state, secession separates one political jurisdiction from another. It too is a step in the direction of Panarchy. The War for Southern Independence put secession and the actual realization of freedom of association to the test. The State that is the U.S.A. failed the test. The war determined that there shall not be freedom of association in politics within the land over which the U.S.A. is sovereign.

The same basic situation prevails in most countries. Brute force prevents freedom of politics, but behind brute force lies ideological support for political monopoly based on the idea that territorial control makes it essential. It is not essential. Freedom of religion provides an appropriate model for freedom of politics, and it strongly suggests that brute force based on territorial control is unnecessary.

Panarchy Promotes Peace and Happiness

The experience of many peoples with freedom of religion has been successful at defusing tensions, because the underlying theme is freedom of association with its safety valve of voluntary exit. People who disagree can go off on their own and live according to their own ways. So also secession and freedom of politics can succeed.

Panarchy is a set of social and political relations that promotes peace. Freedom of religion, which is a manifestation of Panarchy, brings a measure of peace to a country. I am most familiar with America. Americans tolerate each other's religions, even as they criticize each other, debate each other, and attempt to convert each other. There is a peace treaty on the matter of religion (sometimes violated). Religious conflict is not a centerpiece of American life. Where religious conflicts come to a boil is actually through and because of the monopoly political system that disallows freedom of political association and forces everyone to adhere to a single position on certain issues, like abortion, that divide people of different religious persuasions. Panarchy would diffuse such tensions by allowing people

with different beliefs to work out their beliefs through their own governance arrangements.

Freedom of politics would directly bring a measure of peace to America and many countries. With only a single political system, majorities are invariably suppressing minorities. We fight over religious matters. We fight with each other for income and wealth transfers arranged through this single political system that claims the right to tax everyone, willy-nilly, whether we agree with the uses of those taxes or not, according to arcane rules handed down in distant halls that defy justice and simple understanding because they are arranged for reasons of power and privileged gain.

With only a single political system, we are all herded into one hall of political worship. In America, we cannot walk out of the Iraq War or the War on Drugs or any other of the system's constant wars, not unless we are prepared to live in Italy, New Zealand, Costa Rica, or some other distant land. We are a captive political clientele.

We do not have freedom of political association. If we did, it would mean the end of nation-states as we now know them, that is, the end of the singular national state that is the sole and dominant political apparatus of most countries on Earth. It would instead be the beginning of new and smaller political associations. It is certain that many constituencies would avail themselves of the opportunity to form new and different governance organizations. That process would not rule out those larger associations that we might find beneficial and wish to construct, but these would be optional and voluntary. Just as churches amalgamate and federate voluntarily, there is no reason why smaller political associations could not do the same for particular purposes.

Panarchy promotes happiness and well-being by making governance institutions subject to greater accountability, thereby making them more responsive to our wants. Freedom of politics means that our political associations become subject to that process that is an essential ingredient of freedom of association, namely, **voluntary exit**. And voluntary exit is the ultimate check and balance that really works! The Framers set about concocting checks and balances within the U.S. Constitution. They established a monopoly political system and toned down its possible excesses by internal checks and balances. They confined the nation to that system in 1787, and Americans have been confined ever since. But it is a system that

has come to grief. It is a system inferior to a system that allows voluntary exit.

The check and balance of voluntary exit takes people and money out and away from a system that people believe is not acting in their interests. What better and faster and more responsive check could there be than such an expression of personal preferences? Exit constrains a system that is performing under par. It tells the underperforming political system to shape up or continue losing support. With voluntary exit, the system no longer has a captive clientele who have nowhere else to run.

The Jeffersonian Foundation

Governments do not have what I call *primary* or *originary* rights. Only persons, taken one at a time, have these rights. In the words of Thomas Jefferson in the Declaration of Independence:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

In Jefferson’s theory, Persons have unalienable Rights, to Life, Liberty and the Pursuit of Happiness. If a Government has what appears to be rights, these are powers that are lodged in that Government by a voluntary agreement by those who choose to associate themselves with that Government. I call those derivative rights or powers *secondary rights*. Governments have no primary rights but only secondary rights.

Jefferson continued:

“ – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed...”

This is a statement that the Governments have only secondary rights (or just powers), not primary rights; and these secondary rights

stem from the voluntary agreement of the persons being governed, from the “consent of the governed.”

Jefferson either understood or proposed that such an agreement to form a Government had the purpose of securing the primary rights. The purposes for which men choose Governments are actually many and complex, such as providing for the common defense and promoting the general Welfare. However, later in the Declaration, Jefferson indicates that Government gains its secondary rights with the object of Safety and Happiness of the People. This can be reconciled with Jefferson’s idea that the overarching goal is to secure rights, if we understand that he thought that securing rights is the road to attaining Safety and Happiness.

There are probably several reasons why Jefferson stressed the securing of rights. One was that the intent of the Declaration was to gain Independence from an authority that was violating rights. Jefferson also intended to limit Governments in their powers. He wanted them to secure the rights of those whom they governed. He believed that was their legitimate purpose. He looked upon securing rights as the main purpose of Governments.

But here enter two very large gaps in Jefferson’s theory. The manner in which the Governed combine to become a People to be Governed and how this People provides its consent are critical processes, and the Declaration doesn’t say how these are to be accomplished.

Jefferson apparently conceived of “the governed” as a body, because he refers to them as “the People,” and he speaks of “the Right of the People”:

“ – That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

The important thing here is the notion of the People acting as a Body. The Declaration says “We” hold these truths to be self-evident. And it closes with:

“We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare...”

Jefferson and others conceived of a Representative Congress as a rightful voice for the People, itself deriving the right to speak for them by virtue of its members being Representatives. The U.S. Constitution continues this concept by beginning with “We the People of the United States...”

The notion of “We the People” hides a critical weakness in this political theory of Government, which otherwise is extremely attractive in its affirmation of a person’s rights and in its view of the derivative rights (or powers) of a Government. The theory leaves unanswered two questions. First, how do good People become a People? Second, how does a People provide its consent to a Government?

Shouldn’t they logically become a People in such a way as to maintain their primary rights? Shouldn’t they logically provide their consent to a Government while maintaining their primary rights? They should. Otherwise, the foundations of the theory are being contradicted.

Furthermore, there is another very important gap in the theory. As time passes and new persons are born and grow to maturity, how do they exercise their rights to choose a People and a Government? Are they automatically deemed to be part of a People “under” a Government simply by virtue of living in the territory over which that Government claims autonomous rule? That cannot be so, because that assumes they have made choices based on their rights, but such choices are not in evidence.

The newcomers do not make the fundamental choices of People and Government. They merely make the choice of who is in Government, and even that is circumscribed. Its form, its many laws, its taxes, its debts, and its powers lie well beyond their choices. This leads me to conclude with a strong statement of political theory: If a Government’s justifiable powers or secondary rights stem from the People, then the processes of forming that People under that Government *must* be consistent with people possessing those primary

rights *while they form that Government and make themselves a People under that Government*. In addition, as time passes, the process of continuous affirmation or non-affirmation of belonging to a People and a Government must also honor the primary rights of newcomers.

If each person has the rights to life, liberty, and the pursuit of happiness, and if each person is to maintain those absolute and complete rights, they must maintain them in all their choices. This includes the two important choices alluded to: With whom do I as a person choose to be associated so as to form a People? What Government do I as a person choose to be associated with? As applications of a person's basic primary rights, these two choices, of People and Government, are clearly exceedingly important. Yet historically they have not been brought to the forefront. They have not been clearly articulated. They have been relegated to the background, and not even the background. They have virtually been buried. And I would hypothesize that the reason for this burial is that they are explosive questions. They raise issues about the very legitimacy and proper powers of any Government whatsoever. Governments and Government sympathizers do not want their foundations to be questioned, and they will by all means ignore such questions as these.

A person may conceivably answer these questions by allowing his choice to be merged with the choices of others through voting, or through a majority rule, or through electing representatives. These procedures already presume the amalgamation of persons into a People under a Government. Such procedures are therefore by no means necessary. They are not the only way that such choices can be made. As modes of choice, they are deficient. They do not fully and fundamentally allow persons as sovereign beings to choose their People and their Government, because the outcomes of the choices of each person depend on what everyone else chooses. Imagine choosing one's place of worship (or non-worship) by majority rule. It is really no choice at all.

And because these sorts of voting measures are not necessary as modes of choice, and fail even to reflect what each person wants, they cannot be assumed to be proper and appropriate measures. Such measures as these cannot be taken for granted, although these are the measures that all Governments emphasize. And with good reason, for these measures are the ones that subdue the minorities and ensure that a single Government will prevail.

But if we follow the logic of personal rights and step away from the various stories that are designed to legitimize the monopoly State, if we move our eyes away from those magicians among orators and intellectuals who divert us while they do their tricks to make us accept our subordinate and choiceless positions, or our positions diluted by means of voting, majority rule, and Representatives, then we realize this. The only measure we can be sure that is essential when a person chooses a People and a Government is that each person must make his or her own choices, for that is the only procedure that maintains his or her primary rights.

This conclusion is the true revolutionary insight and result of the Jeffersonian thinking. It is his thought carried to its logical conclusion. And by this reasoning, we arrive at the political theory known as *Panarchy*. The affirmation of those rights that Jefferson outlined for each person, combined with a consistent application of those rights when a person chooses a People and a Government, lead directly to Panarchy. They are a foundation for it.

Panarchy, in the words of John Zube, is as follows.

“PANARCHY: The realization of as many different and autonomous communities as are wanted by volunteers for themselves, all non-territorially coexisting, side by side and intermingled, as their members are, in the same territory or even world-wide and yet separated from each other by personal laws, administrations and jurisdiction, as different churches are or ought to be.”

In Panarchy, in the same way that persons choose friends, a club, a spouse, and a church, they choose a Community and a Government. They are not automatically inducted into a Government and Laws that are not of their choosing, as is the case today. And the Government that reigns over a given territory and People in today's world does not exist and cannot therefore, as it does today, prevent other Governments and Peoples from forming by the exercise of their primary rights. Furthermore, the notion that today's States and Governments are legitimate is seen to be entirely fallacious. The very foundations of their being are called into question by a thorough application of the Jeffersonian ideas of primary and secondary rights.

Indeed, we can now see even more clearly that the Governments of today, which are the operating arms of the States of this world, all of whom claim to rule uniquely over a People and a Territory, necessarily are violating the primary rights of all those People who prefer to choose another People and Government for themselves. It is as if each person awoke to find himself or herself belonging to the Church of the U.S.A., and the only way to register an alternative belief would be every so often to vote along with many others. One's right to choose would be severely limited. And wouldn't it be far better simply to choose the church that one prefers? Wouldn't that be a far more direct expression of one's preferences? One could at any time leave one church and join another. Panarchy is that idea applied to Government.

The panarchic choices can include choosing no People and Government whatever, or choosing a small group or community, or choosing what others may view as an oppressive Government with many and great powers over its People. And since today's Governments, which are the visible workings of the world's States, violate primary rights—and those rights (following Jefferson) are the means by which persons achieve Welfare, Safety, Security, and Happiness—then we can be certain that today's Governments reduce the Welfare, Safety, Security, and Happiness of great numbers of persons who do not voluntarily wish to associate themselves with those Governments. The People under such Governments are by no means unanimous in their endorsement of those Governments. Indeed, the Peoples of this world (that is, great numbers of them) ache to be out from under the authoritarian rule of most, if not all, Governments. They have not yet found the means to accomplish that goal. The theory of Panarchy is a step in that direction, and as people understand this theory and understand its inherent merit and why Panarchy enhances Well-Being, then the world will move in that direction.

We can be certain that in Panarchy, the Welfare, Safety, Security, and Happiness of Peoples will rise, because persons form and dissolve their own Peoples and Governments peacefully and bloodlessly. And such an inference uses the same logic that now underlies the Declaration of Independence, which is that secure rights result in greater happiness, only that logic is now being consistently pursued in developing the theory of Panarchy.

In Panarchy, those who choose to have a Government like that of the current U.S.A. can have it (apart from its territoriality), with its

social insurance programs, space programs, product safety laws, energy regulations, and so on. But that sort of Government will exist beside many other possible Peoples and Governments in the regions now demarcated by borders and known as nations, and it will have no secondary rights (or powers) over those other Peoples and Governments.

Since persons can choose a Government, they can choose to leave a Government. They need only retain the option to exit in their choice of Government. But persons actually cannot give up that option. They cannot voluntarily give up their wills. A person might commit himself to stay with a given Government, but there is no guarantee that he will live up to this commitment, the reason being that he cannot give up his will. The Government cannot be sure that this commitment will not be broken in the future because it has no direct ownership of that person's will. Therefore, exit is always hanging over the heads of those deputed with Governance functions.

Because people can exit and enter Governments freely, a pervasive system of checks and balances over Governments occurs in Panarchy, one that is far superior to what we witness today, which is a system that is dreadfully deficient and defective.

Panarchy is the true American revolutionary political system, in the spirit of Jefferson.

Where We Stand

Most countries of this world are divided politically. That is natural. There is no way that we will ever be united on political matters, any more than we are united on religion. And being united on political matters is neither necessary to improve the situation we are in nor a good idea. In America, Libertarians cannot convert large numbers of Democrats to libertarianism. Democrats cannot convert large numbers of Republicans. Anarchists cannot convert large numbers of libertarians to anarchism. Anyway, most of us are interested first and foremost in improving *our own* situation, not that of everyone else in general.

The situation we are in today is a situation of force, for both statist and nonstatist, for both anarchist and minarchist, for Democrat, Republican, and those who prefer third parties. Many of

us are seeking the power to control everyone else and remake society in our vision. We need to agree to call a halt to that process if we are ever to move forward.

To move forward, we do need some area of agreement. Otherwise, if and when our national government fails, we will end up dividing into clans and sects and fighting one another to see who will impose his vision on the rest. Or else we will fail to take full advantage of the opportunity that such a breakup and failure would provide us. The Soviet Union broke up, and the peoples immediately placed themselves into and under States again. They did not learn from experience as much as they might have. They were not ready to advance the nature of their governance.

An Appeal

A person's happiness depends on his attitudes, and each of us has a right to pursue happiness as we see fit (within the normal boundaries of natural law). Attitudes are also held firmly. No number of articles by me and no number of letters and e-mails between me and people who disagree with me are likely to convert them to my way of thinking. If someone likes the Social Security program and likes subsidized housing, I cannot convert them. And if I try, they will feel threatened by my message and dig in their heels. Pointing out truths in articles is one thing. Pushing for conversions is another. You are the best judge of your own welfare. You do not want to be ruled by me any more than I want to be ruled by you. That mutual attitude gives us the common ground we need to forge a new way of living together.

I therefore do not ask for anyone to convert to my way of thinking. I ask only for one thing: Give me my freedom from your government. Correspondingly, I give you the freedom to have your government—with one important stipulation. It is that neither of us demand that the other remove himself from the country (this land, this place, and this people) that we both cherish. If you want social insurance programs delivered by your government, then, by all means, have them. I will not stop you. Will you then allow me to live my life without being forced into your programs? Will you allow me to have the governance of my choice if you have yours, both of us living in this land we now call America? Will you allow each of us to have the **nonterritorial** government of our choice? Will you allow alternative governments

operating over the same territory but on different self-chosen constituencies? Will you endorse that as an ideal?

This ideal, freedom of choice in governance, is eminently just. It is a natural right that flows directly from our rights to life, liberty, and the pursuit of happiness. It is why we have a multitude of native nations within the boundaries of the U.S. The Center for World Indigenous Studies reports that "...the U.S. recognizes 550 native nations within its borders. These are not state or federal agencies. This policy was established in 1970 by President Richard Nixon and reaffirmed on June 14, 1991 by President George Bush."

Cannot nonnative Americans gain the same rights as native Americans and have their own governance? Cannot all persons anywhere in the world gain their basic rights and choose their own governance?

Governance involves various goods that we perceive governance brings us. Each person has different views of what those goods are, what they are worth, and how to attain them. If I argue for individual liberty, as I do, then I logically must argue for your freedom to choose those goods that you wish to consume in nonfree markets. Freedom of choice in government encompasses your freedom to trade off some of that freedom for the sake of being ruled by others, if that is what makes you happy. If I believe in freedom, I cannot force other people to run their lives with the freedoms that I may value and think good and proper. But neither may they justly force me into their views of government and into the government that they choose. The core idea here is **nonterritorial** self-determination.

Redefining Self-Determination

Like freedom of religion, the idea of self-determination of peoples is widely accepted as an ideal. It is not a bad idea as far as it goes, in that it encourages a people's independence and freedom to choose their own political system. It also encourages secession. But its major limitation is that it assumes a people must choose a single institution for political governance. They must choose a monopoly state. Because of that feature, the notion of self-determination needs to be thoroughly revamped in order to remove its territorial context. Otherwise, it is contradictory and leads into conflicts and civil wars. Georgians leave the Soviet Union, for example, but then a portion of

them are not allowed to secede. The colonies gain independence from England, but then when the South secedes from the North, a terrible war follows as the North tries to prevent it.

In Wikipedia, we find “Self-determination is defined as free choice of one’s own acts without external compulsion, and especially as the freedom of the people of a given territory to determine their own political status or independence from their current state.” This definition is flawed, because it restricts self-determination to a people of a given territory. In practice, however, any existing government demands allegiance of everyone in a given territory, so that self-determination as thus defined is internally contradictory. It promotes the right of free association while at the same time it prevents that right from operating fully. The solution is simple: nonterritorial self-determination.

We can move forward. But to do so we need the liberty to have competing governments on the soil we now call America or Canada or China or Japan or Zimbabwe or Israel or Iran or India or Sudan or Brazil or Australia in the same way that we have competing churches, supermarkets, towns, states, and universities. We can open up the immense possibilities of handling our governance in more effective ways. They will be ways of self-government that involve freely chosen governance, in which it will be possible to opt out easily from poorly functioning governance.

It should be as easy to stop feeding a government we dislike with our hard-earned resources as it is to change gas stations. It should be as easy to change schools as it is to change the supermarkets we patronize.

We take government for granted because we each have so little influence on it. We take the short view. In doing that, we shortchange ourselves and our progeny. If we think about changing the basic structure of government, then we will start doing some important homework that we tend to neglect. If we had a choice of governance institutions, not just candidates for a given form of government, we’d pay far more attention to governance.

No one of us has a roadmap to nonterritorial self-determination or can even define it fully. The argument that Panarchy will improve our current situation is strong. The argument that Panarchy is the right course and a right goal is strong.

The Right to Exit: An Apologetic for Panarchism

Gene Callahan

In this essay, I wish to argue that commonly held political principles, such as the acknowledgement of a right to self-governance, entail the acceptance of the panarchist contentions that any form of polity should be tolerated by others so long as its citizens voluntarily accept its authority, and that only such freely joined polities are morally defensible.

As I see it, any interaction between two or more humans can be located on an axis whose polar extremes are the ideal types of purely persuasive action and purely aggressive action. I certainly do not mean to suggest that this abstract view is a uniquely superior framework for conceptualizing human action, but only that it is a coherent and fecund way of doing so.

I think it quite plausible to suppose that most readers of this piece believe that persuasion is to be preferred over aggression whenever both appear to be plausible approaches for handling some interpersonal situation, so that justifying the use of aggression entails demonstrating that persuasion was just not a viable option in the given circumstances. The remainder of this essay will argue that Panarchism follows naturally from such a preference, despite the fact that the vast majority of those endorsing ideals like “political freedom” and “self-rule” do not yet see that it is entailed by their own principles.

Civil Associations

To avoid the Hobbesian “war of all against all,” humans form *civil associations*. A civil association is a group of people united in recognizing the authority of a body of law over all of the group’s members. The notion of “recognizing the authority of a body of law” implies the free use of one’s own intelligence in such recognition. In other words, one must be persuaded, not coerced, into joining a civil association.

I believe that for civilized society to exist, the rule of law is essential. But I would like to suggest, as an advance on the road to liberty, a single modification to the prevailing view of civil associations, one that I argue is implied by their nature: recognizing the right of every adult person to freely form, join, and leave such associations. Not only does this principle recommend itself as the logical conclusion of the widely endorsed notion that all people are entitled to “self-governance,” but it also grants dissidents, innovators, oppressed minorities, and so forth the freedom to try realizing their vision of political order without requiring any existing polity to abandon or even compromise the form of governance the bulk of its citizens are accustomed to and, perhaps, truly prefer.

The Right of Freely Chosen Civil Association

What would the recognition of the right to choose one’s own civil association entail? First of all, as I see it, an individual’s right to join any civil association he or she wishes to does not mean that the chosen collective is thereby obliged to admit that potential new member willy-nilly. The freedom I endorse here must apply to both parties contemplating the formation of a mutual and novel bond. An association is no less involuntary if someone can force his or her way into it than it is if someone is coerced to participate in it. Therefore, no one is entitled to attain membership in a polity by violence, fraud, or stealth. On the other hand, no third party, such as a group in which one previously was a member, possesses any right to thwart one’s attempt to join a different civil association.

Secondly, accepting an individual’s right to freely withdraw from and enter into civil associations entails recognizing that existing states

are not justified, merely because they have been sovereign over some territory in recent memory or even for many centuries, in denying that region's inhabitants the option of parting ways and forming their own, new polity, if that is their desire; in other words, the right to self-governance implies the right of secession. Now, any support for the case of secessionists is likely to be a bit frightening, as it conjures up images of hundreds of thousands of casualties in the American Civil War, or Chechen rebels blowing up apartment buildings. To allay such fears, let me declare that I believe that violent secession is almost always counter-productive to the advancement of liberty. Violent upheavals of social arrangements typically produce a backlash that may result in a new regime even less liberal than the one overthrown, as ordinary people assert their general preference for social order, albeit oppressive, over chaos and bloodshed. What I am suggesting is not that dissidents launch armed revolutions seeking to replace their current governments, but rather that they assert their natural right to disassociate peacefully from those states in which they are unwillingly bound.

In passing, it is worth noting one circumstance in which an attempt to secede can legitimately be rejected by the polity concerned: an individual is not justified in invoking this right after having committed what is a criminal act under the body of law he had, until the possibility of punishment reared its head. In other words, I can't kill someone and then announce, "Oh, and by the way, I secede, so don't try to prosecute me." Quite possibly, "secession to dodge criminal proceedings" would be forbidden in the entry agreement for most civil associations.

The Right to Exit in Place

The sharpest contrast to our current world in what I suggest is that people should be able to leave a civil association without leaving a geographical location. Unless they have explicitly agreed to remain part of some civil association in the purchase or rental agreement for their residence—as, for instance, people often agree to when purchasing a condo or a home in a planned community—they should have the right to withdraw both themselves and their land from the authority of their current civil association. Having done so, a person

might attempt to join another existing civil association, might try to persuade others to form a new civil association, or might remain outside of any civil association whatsoever.

To deny people the right to secession employs aggression rather than persuasion in attempting to constitute a civil association. It violates the essential nature of civil association, which requires a voluntary recognition of the authority of a body of law.

It is true that most people today have at least some possibility of leaving the state in which they live. But to do so they must leave their friends, their families, their jobs, their house, and perhaps even their language behind.

They are further hampered by numerous immigration restrictions in other states. Of course, the civil associations I envision are likely to have membership restrictions. But with a vastly greater number of such associations, it is likely that at least a few would accept any particular would-be member.

Moreover, the possibility of choosing a truly different form of civil association is slowly being eliminated by the dawning worldwide state system, where the social democratic model of state corporatism combined with extensive social benefits and high tax rates is considered a political ideal. Some neoconservative and neoliberal pundits have been quite explicit in declaring the modern social democratic welfare state to be the “end of history”—Francis Fukuyama even wrote a book with that title—and a universal model that must be imposed everywhere, by military force if necessary, as in Iraq at present. They object to countries, such as Iran or North Korea, that allow too little freedom, but they also object to countries that allow “too much” freedom. Countries with tax rates “too low” are labeled as suspicious “tax havens.” Those with “too much” banking privacy are marked as possible supporters of money laundering by terrorists or drug lords.

We don’t need to posit any sort of global Masonic conspiracy to explain such facts. Government officials are clever enough to realize that states offering people more freedom than their own represent a threat, since the existence of such relatively libertarian states will tend to produce a flow of the bright, the ambitious, and the wealthy from more restrictive states to those less so. Thus, self-interest alone, absent any cabal, will motivate state actors to attempt to prevent other states from being significantly less intrusive than their own polity.

If the world-spanning social democracy presently advocated by many influential voices, both from the “right” and from the “left”—although perhaps with differences in its details depending upon which side of the aisle the pundit in question has pledged allegiance to—ever becomes reality, we are likely to see F.A. Hayek’s proverbial warning that “the worst rise to the top” come true on a global scale. The unprecedented concentration of power created by such a worldwide quasi-government would be an irresistible attraction for the most vicious power addicts. Therefore, the assertion that any group of people, joined together by whatever common ties they themselves see as binding them into a distinctive polity, has the right to choose their own form of governance is perhaps more important now than ever, as it provides a counterweight to the forces supporting the emergence of the “New World Order.”

The right I am proposing even leaves those who chafe at any constraints on their behavior, other than their own vision of justice, with the possibility of living the apolitical life they desire: they may withdraw completely from civil life and become “outlaws.” Such people would probably withdraw to remote wilderness areas—northern Canada, Siberia, high mountains, thick jungles. There they would have to make their way without the predictability of their associates’ behavioral boundaries that those living together under a mutually accepted body of law enjoy. But so long as these outlaws did not pester the members of existing civil associations and generally respected the laws of the polities with whose citizens they chose to have dealings, there would be no justification for any politically organized people to attempt to force them to accept a formal legal regime.

Relations Between Members of Different Civil Associations

Since members of different civil associations will still interact with each other in a panarchic world, just as citizens of different states do today, the question arises as to how, if Panarchy is ever put into practice, conflicts involving individuals who embrace different legal regimes can be settled other than by invoking the law of the jungle, which declares that the contestant with the greatest ability to physically triumph in any confrontation wins. For instance, my friend Paul Birch

doubts the practicality of geographically intermingled civil associations. As he puts it, “unless civil associations, of which persons are voluntarily members, are territorially distinct and not too small, people cannot avoid being subject to laws to which they have not acceded, because disputes will commonly arise between members of different associations, who have different laws.”

One means for solving this potential problem is for civil associations to negotiate agreements with each other as to how disputes between their members are to be arbitrated. Given that today’s states, without the existence of any super-sovereign authority mediating conflicts between their citizens, manage to resolve most such problems by peaceful means, there seems to be no reason to believe that the voluntary civil associations I advocate could not be at least as successful at settling this type of dispute.

What’s more, the absence of such formal inter-polity agreements does not mean that there is no real possibility of mutually satisfactory resolutions to such conflicts. The likelihood of interacting individuals agreeing upon a commonly acknowledged legal framework, even without a shared central authority acting to enforce the authority of that body of law, has of late been revealed as far greater than political theory has traditionally imagined it to be. Ed Stringham of Trinity College has demonstrated that the trading of derivatives on the 17th-century Amsterdam stock market proceeded peacefully and without a great deal of fraud, despite the Dutch government’s refusal to enforce derivative contracts. Similarly, Peter Leeson of George Mason University has cited the law merchant code of the High Middle Ages and Renaissance as another example of voluntary law operating successfully.

Nevertheless, despite the possibilities of resolving conflicts between civil associations either by formal or informal means, I do not mean to hold out even a faint hope that the recognition of a right to secession will bring about the fantasized end of warfare among humans. I am not selling a utopian answer to all earthly woes, but only a suggestion as to how we might make social arrangements moderately better. Still, I think my modest proposal would make senseless wars less likely, since any civil association promoting a war that is widely perceived to be unnecessary will immediately be faced with a wave of secession.

Under such a system, states like those we find today are less likely to exist. Nevertheless, many civil associations will have features of current states to which libertarians might object, such as welfare programs, drug laws, draft laws, and so on. But if the members have had the opportunity to exit but have not done so, then it is clear that they prefer living under such laws to disassociating from their polity. If they are in a civil association voluntarily, I detect no aggression being committed against them by, for example, drug prohibition. And if a right to exit is recognized, it will be much more difficult for a state to engage in the systematic exploitation of one segment of its populace for the benefit of another.

Of course, my idea does not guarantee that no oppressive state will ever emerge. But I don't believe it is reasonable to expect guarantees in life. The widespread acceptance of the belief that human slavery is immoral has not prevented some people from occasionally capturing other people and enslaving them. But one must admit the practice is somewhat less prevalent today than it was in 1750. Similarly, if a right to secession gains widespread moral approval, then it seems likely that it will be much more difficult to organize an oppressive state.

As a final piece of evidence suggesting that civil associations need not be geographically contiguous to be practical, I cite a work of fiction: Neal Stephenson's brilliant novel *The Diamond Age*. Stephenson describes a future world that is without states as we know them. People have formed geographically intermingled groups based on the code of ethics to which they subscribe. There is, for instance, a group called the "Vickies" who adhere to a Victorian ethic in their public life. People join or leave these groups by their own choice, and the groups commercially interact with each other on a daily basis.

Now, I admit that a fictional world is not nearly as convincing a bit of evidence for the feasibility of a political idea as a real society based on the idea. Nevertheless, the fact that Stephenson can create a coherent, plausible world of geographically intermingled civil associations at least suggests that such arrangements are not impossible.

Don't Try to Change Everything at Once

An important feature of the reform I'm suggesting is that the possibility of the real world coming to resemble the vision depends almost exclusively on the widespread acceptance of the single idea that membership in a civil association should be voluntary. Such an idea is already held, albeit incoherently and inconsistently, by many people today. We hear it expressed in calls for "self-governance" and "democracy." Rather than attempt to convince a majority of people to adopt an entirely new ethical or political understanding, as do many "systems" proposed for maximizing human freedom, my recommendation only requires drawing peoples' attention to the fact that there is a conflict within their current view: While they already are quite likely to believe in the right to self-government, their failure to recognize a universal right to secede from a civil association significantly vitiates that right.

Indeed, it is already the case that the idea of secession can win popular support if presented properly. For example, a Michigan family recently managed to secede from the town in which they had been living. As Adam Young described what happened:

"On Tuesday, December 17, 2002, Arenac Township and Omer City, Michigan held a joint referendum brought about by the actions of one woman, Cheryl Perry. The Perrys simply no longer wished to be looted by the Omer municipal government [for sewer services they were not receiving], even if it was only \$41.62 a year....

"After the polls closed Cheryl Perry got the outcome she wanted. Out of a total vote tally of 140, with 82 votes Yes and 58 miserable voters voting No, the Perrys had successfully seceded from Omer and Omer's taxman."

Although there were a fair number of "no" votes, a significant majority of voters recognized the right of the Perrys to live under the government of their choice. Perhaps that should not be all that shocking, since the national government of these people was itself formed by an act of secession.

An Historical Precedent

The idea of a right to secession is, I believe, a concrete proposal that can alleviate the discouragement that many would-be libertarians feel at the prospects for a free society. There are many people today who do value liberty but find it “impractical.” They might even think a libertarian world would work, but believe that we have no hope of getting there. “It’s not on the menu,” they may say. “The state pervades modern life and statist attitudes are rampant among the public. The ‘man in the street’ is so far from holding libertarian views that the only viable approach is to try to roll back the state a bit at a time.” “The libertarian vision,” these folks will tell us, “may not be achievable for many centuries.”

Fortunately for us, there were brave pioneers who provided an example of how to eliminate a pervasive but unjust institution, in only a few generations. They were the abolitionists, and the institution was slavery.

As Stephen Carson wrote:

“Several hundred years ago, the notion that the slave trade could be ended and then chattel slavery itself abolished certainly seemed utopian. But British evangelical Christians began to make the moral case against it and, within a century or two, slavery was abolished throughout the wider European world.”

The abolitionists were faced with a choice. They could have tried to convince a majority of people of the correctness of a particular religious view, part of which was that slavery is wrong. But to convert the whole world into Congregationalists, Methodists, or Baptists might take quite a long time. In the meantime, if those various groups could cooperatively work towards a shared goal, they could achieve a great good in the nearer future: the end of human bondage. Striving towards that “short-term” goal did not mean that anyone had to compromise fundamental beliefs. One could resolutely maintain that, for instance, Methodism is the true path, while still cooperating with a Quaker to abolish slavery.

I suggest that this historical precedent provides an exemplar for today’s proponents of increased human freedom. There are a variety

of ways in which people ground their defense of liberty—Christian ethics, Objectivist philosophy, utilitarianism, natural rights theory, and so on—and too often, in my opinion, freedom advocates wind up expending a great deal of their energy in trying to convince politically like-minded individuals that their own, preferred defense of liberty is the one, true path to follow. While I do not mean to imply that there is no point in arguing over these abstract ideals, I do contend that much of that energy could be directed, more profitably, to working together to realize the practical goal of winning widespread acceptance of a right to secession, an achievement that would allow all of these various factions to form polities based on the principles they embrace.

Furthermore, the majority of people are not interested in or likely to be swayed by theoretical cases for liberty. In order to garner widespread support for a more liberal order, what is required are straightforward examples of concrete behavior that illuminate the real nature of various state activities. I don't think we should try to convince the "man in the street" to overthrow his entire worldview and adopt ours. We should alert him to the fact that his existing worldview indicates that various things he previously has tolerated are, in fact, wrong.

Falsifying Language

One way to do this is to clarify the way he talks about things. In order to justify their actions, today's coercive states fog up our language with euphemisms. Theft is called "asset forfeiture," the murder of Randy Weaver's wife is called "law enforcement," and budget increases are called "cuts in spending." The mist is necessary to prevent everyone—including those generating the mist!—from seeing what is really occurring. One task facing panarchists, as I see it, is to burn off that fog.

This fog obscures the immoral nature of the domineering state. It creates the illusion that the state stands apart from ordinary human values and judgments, somehow representing the mystical "will of the people," or our "voluntary, collective choices." If we can make it clear that we should not tolerate behavior from our government that we would not tolerate from our friend, we will have made a great step forward.

For example, I was talking with a friend of mine some time ago. While he was a keen follower of contemporary political affairs, our relationship had only recently sparked his interest in political theory. When he asked me about Panarchism, I told him the following tale:

“Imagine that you, Dick, Mark, and I go camping. While climbing a mountain to the campsite, you, Dick, and I decide to build a lean-to, so that we have a sheltered spot to rest in on the way down.

“Come help us, Mark,” we shout to him.

“No thanks, I’ll go on ahead and set up the camp site,” he replies.

“No you won’t, Mark.”

“What do you mean, no I won’t?” he asks us.

“What we mean is, you are obliged to help us. We’re the majority. We’ve voted, and we’ve decided that everyone must contribute to our chosen project. And, you see, we’re prepared to kill you if you don’t acquiesce.”

“*Kill me?*”

“Yes, kill you, if we have to. Please understand, it’s not that we *want* to kill you. At first, if you resist, we’ll just rough you up a bit. But if you continue to be obstinate, eventually we will have to kill you. You’d be defying the will of the people.”

“Now,” I asked my friend, “how is this essentially different from the Social Democratic State, supposedly the epitome of just and fair governance?”

He pondered my story for a minute. Then he said, “Yeah, it really isn’t different, is it?” At that moment, he later told me, he became convinced of the essential soundness of Panarchism.

Most people already know that the action of our hypothetical campers is wrong. (And we’ll never convince with any intellectual edifice purporting to prove that it is immoral the few who don’t.) To convert them to Panarchism, we don’t have to change their whole worldview. We just have to show them the fog that has kept them from seeing that when the government does such things it is acting unjustly, judged from within their current ethical system.

No Need to Agree on the “Best” Laws

Another reason, closely related to those offered above, that I think the recognition of a right to secession is the most promising reform for enhancing human liberty, is that it does not require broad agreement on what the specific laws of any particular civil association ought to be. On the contrary, the recognition of a right to secession peacefully accommodates the widest possible divergence of opinion about what laws are just, by enabling a multitude of legal systems to coexist.

For instance, the acknowledgement of a right to secession resolves a dispute that has divided libertarianism for several decades, the one between anarcho-capitalists, who believe that no statist institutions whatsoever can be justified, and minarchists, who hold that a society, to flourish, needs a minimal state to enforce basic laws and provide defense. If each group recognizes the right of the other to attempt to realize the form of social organization that it favors, then there is no longer any inherent conflict between them.

Recognizing a right to secession also allows groups to experiment freely with different forms of organization for defense and law enforcement. Civil associations might employ traditional police and defense forces, as in current practice; hire private defense agencies, as proposed by Murray Rothbard and David Friedman; form mutual defense agencies, as recommended by Paul Birch; establish the sort of insurance system proposed by Hans Hoppe and Bob Murphy; or employ some yet undreamed-of form of defense and law enforcement.

I propose that people with an enormously wide range of political beliefs can get along peacefully, if they simply recognize each individual's right to form, join, and leave civil associations. No doubt many people will find some of the laws that other people choose to live under bizarre or unjust. However, as long as membership in a civil association is voluntary, and no group tries to impose its vision of just law on any other, I see no reason why such groups should not live in peace with each other.

For example, consider a topic fiercely disputed by contemporary libertarians: fractional reserve banking. There is a significant libertarian faction that views fractional reserve banking with extreme distaste. In a panarchic world, they would have an acknowledged right to form civil associations that do not permit the practice. However,

one such libertarian wrote to me contending that fractional reserve banking must be banned everywhere. Now, if all he meant was that he hoped to persuade everyone that the practice is pernicious and ought to be banned, then his view is compatible with the world of voluntary civil associations I am recommending here. But it was clear to me that he meant more than that: he held that fractional reserve banking must be forcibly stamped out wherever it is practiced. Let us consider the implication of such a view.

We'll imagine two civil associations, Rothbardville and Friedmantown, existing in neighboring villages. (Of course, in the panarchic world I am describing, members of the two groups might even be geographically intermingled, but that is unimportant for this scenario.) Fractional reserve banking is banned in Rothbardville, but practiced enthusiastically in Friedmantown. To be consistent, my correspondent would have to endorse an invasion of Friedmantown by Rothbardville, in order to force the Friedmanites to give up fractional reserve banking.

However, as long as the Friedmanites were not surreptitiously attempting to pass fractional reserve notes to the Rothbardians, it clearly would be an act of aggression on the part of the Rothbardians to attack them. Should any individual Friedmanite complain to a Rothbardian that he believes his rights are being violated because his deposits were not being held entirely in bank vaults, the correct response from the Rothbardian is: "I completely agree with you. Therefore, you should secede from Friedmantown and become a citizen of Rothbardville."

The two groups can live in peace and even trade with each other, as long as the Friedmanites used gold, or paper money fully backed by gold, for payments to the Rothbardians. The Rothbardians might find the Friedmanites' indulgence in fractional reserve banking to be foolish in the extreme, just as anarcho-socialists might find both the Rothbardian and the Friedmanite toleration of wage labor and the private ownership of capital goods to be similarly foolish. But liberty surely entails the right to be foolish, so long as one doesn't force one's foolishness on others.

Conclusion

I believe the recognition of a right to secession is the most promising reform for advancing liberty realistically achievable in the near future. Because many people today acknowledge the right to self-governance, persuading them to acknowledge the right to secession only entails making explicit the logical implication of values that they already hold.

Furthermore, the abolition movement offers us an historical precedent for the approach I suggest. Rather than engage in endless disputes among themselves, the abolitionists united behind a single, simple principle: human slavery is wrong.

Similarly, advocates of liberty, of whatever stripe, today might agree that the bondage of individuals to a state that they had no say in choosing is wrong. Whatever particular laws we advocate, we could unite behind the idea that human freedom is advanced when each person can choose the body of law under which he wishes to live.

Each of us, within whatever tradition of morality we endorse, can bring into relief those elements of that tradition that support the freedom of the individual to choose his own form of governance. Lovers of liberty can divide themselves in debating the merits of incremental versus radical reform, anarchy versus minarchy, Rand versus Mises, Rothbard versus Friedman, workers' collectives versus capitalist corporations and so on. Or, we can choose a common road to travel, one that does not deny our differences but still proceeds directly toward increasing human freedom. I suggest we choose the latter.

Panarchy: The Libertarian Ideal

Adam Knott

In our time, there is a growing realization that liberty requires the acknowledgement of a few important principles. These principles taken together constitute the emerging political philosophy known as *Panarchy* or *Panarchism*.

The philosophy of Panarchism revolves around a simple ethical maxim: if I don't want others to impose an unwanted legal system on me, then I can't seek to impose an unwanted legal system on others. In the literature of libertarianism and Panarchism there is growing consensus that much of what is wrong with contemporary government is due to its monopolistic nature. In contemporary society, we have come to view government as the imposition of rules we favor onto all others, whether others want these rules or not. Everyone tries to impose his preferred rules on others while at the same time trying to avoid the rules others impose on him. This is the chronic condition of modern government, and providing a solution to this problem is what gives rise to the political philosophy of Panarchism.

When one thinks about this situation long enough, one realizes that the solution lies in the idea of multiple coexisting governments, and governments not based on geography. And these two ideas—multiple coexisting governments, and government not based on one's geographical location—are what is meant by the term Panarchy.

At present, the political philosophy of Panarchy is known only to a relatively small number of libertarian social thinkers. But in my

estimation, awareness of Panarchism is bound to grow as people realize that individual choice and political self-determination are incompatible with the monopolistic concept of government currently practiced worldwide. In social democracy, individual choice has been replaced by voting, and so one is constantly having one's political existence decided by people whose values are hostile to one's own. In utopian libertarianism—the vision of an ideal libertarian society according to a particular author or school of thought—the individual is assumed to submit to and live within a legal order chosen by someone other than himself. Since both of these social visions are incompatible with individual liberty, and since realization of this fact is growing, I believe that people may be willing to consider the idea of Panarchism more seriously now than they would have just a few years ago.

The problem the theory of Panarchism has to solve is how to move forward in a political culture which is incompatible with individual political choice and political self-determination. The vision of Panarchy as an overarching legal structure within which multiple governments compete does not solve this problem, but is rather a proposal for a type of federal system. A proposal for a federal-type system does not address the fundamental question of the individual's assent to membership in this system, but rather like democracy and utopian libertarianism, seems to assume that individuals must submit to and accept this system.

Thus, I do not subscribe to this conception of Panarchy. In my opinion, Panarchism is primarily concerned with a political reality in which some or even most people do not want other people to have a political arrangement different from their own. In other words, I view Panarchism as obligated to solve the problem of political change and political evolution in the case where some or most people subscribe to a monopolistic conception of government. They subscribe to a monopolistic conception of government because this is the level of political development they have been able to attain (as our own conceptions of libertarianism or Panarchism constitute the level of political development we have been able to attain). In my approach, each person's political beliefs are assumed valid (for himself) and I assume that people's political convictions will not change in the near future.

So my vision of Panarchism begins by assuming at least two incompatible political philosophies, and I assume that in the

foreseeable future our culture will be one in which political monopolism and geographically based government will be the dominant culture. I do not address a political future in which Panarchy might be “allowed” or agreed upon by a majority. Proceeding from these assumptions then, I conceive of Panarchy more in terms of an ethical program or political technique, and less in terms of an envisioned legal structure.

I believe this way of approaching things is appropriate. Because if we are pursuing a theory of individual political choice, then we are pursuing a theory where the concrete structure of society is the result of individual choices, and not the result of a theorist’s social vision. Thus, I don’t consider it my task to outline the structure of a future society. Instead, I view my task as demonstrating that a different political future is possible in principle, and that it is possible to achieve it by adhering to a consistent libertarian or individualist ethic.

If we view Panarchy less as an ideal system of competing governments, and more as a group of guiding ethical principles for bringing about political change, then I believe there are two important principles that must be taken into account. First, Panarchy needn’t have anything to do with abolishing or altering laws that bind other people. Second, I do not believe that any of the difficult problems of legal separation need to be addressed initially to establish a Panarchist political reality.

There is an important distinction to be made between trying to change my own legal situation—or a group of people cooperating to change their legal situation—and trying to change a legal system to which other people belong. If I aim to change laws that bind others to suit *my* preferences, then, in principle, they can and should aim to change the laws that bind me and others to suit *their* preferences. And thus, we return to a condition in which everyone tries to dictate the laws everyone else is to live by. If we seek to act by political principles different from those of the people with whom we disagree, then, in my opinion, as the individual addresses his own legal status (perhaps in cooperation with other like-minded people), the laws that bind others are to remain in place. The laws that bind others, whatever their “objective” status, are not the libertarian’s business or burden. What I mean is, the libertarian’s concern is the relationship between himself and the existing legal system. His concern is not the existing legal system per se.

Next, in discussing the relationship of the individual to the State, it seems to me counterproductive and backwards to begin with the most difficult problems first. In the libertarian literature, the idea always seems to be unilateral withdrawal or secession from precisely those demands of the State which states would least likely tolerate withdrawal or secession from. But as a practical matter, why must one begin by choosing those issues most likely to incite or provoke, rather than those issues least likely to? Indeed, why not choose as a starting point the most trivial, minute, or insignificant legal situation? Why not try to find an infinitesimally small matter of virtually no importance to the State as the beginning point for legal change? I believe the principle is more important than the magnitude.

Once something small is demonstrated, then the ideological environment changes, even if imperceptibly. Then the next issue may be addressed. Over time, possibilities and opportunities may emerge that previously hadn't. What appear to be unsolvable problems of legal separation and legal self-determination now, may appear differently several years from now. Thus, as a practical matter, why not intentionally begin with some small issue, and worry about the larger problems of taxation, regulation, and public ownership of the roads later?

To summarize my main points, I believe we contradict our own principles when we seek to change someone else's legal system, rather than focusing only on our own legal situation. And we are impractical when we habitually gravitate towards the most difficult and provocative issues when discussing the idea of legal separation. Instead, we should intentionally choose the most simple and least provocative issues. I believe adherence to these two simple principles would go a long way towards opening up political possibilities which have hitherto remained closed.

In addition to these primary principles, I offer the following insights and notions as generally consistent with the conception of Panarchy outlined above.

Panarchy is a theory of individual choice in political arrangements, not a theory of imposing political arrangements. In a Panarchistic

conception, the individual simply seeks to expand the range of his choices to include political affiliation. He does not seek positively to abolish or alter another man's legal system or impose his legal system on another. Panarchy is not the imposition of a democratic or libertarian society on other people. It is the attempt to avoid being politically imposed upon by democracy, by utopian libertarianism, or by any other political system.

The goal of Panarchy is not to destroy what exists, but to bring forth what doesn't yet exist: individual choice in legal relationships. Nonuniformity of legal relationships is implied in a person's striving for legal self-determination. Panarchy is the idea of multiple coexisting legal relationships and, by implication, a negation of monopolistic control of legal relationships. This leads to the idea of legal relationships not based on geographical location.

Panarchy is a political principle more than a desire for a concrete legal order or legal structure. It is the recognition that any political system not based on individual choice is ultimately a system opposed to individual liberty.

Logically, Panarchy includes the idea that a person may choose no government at all. However, to the extent a person adopts rules of conduct as a means towards social cooperation, these rules may be considered a form of government chosen by the individual concerned.

One may be subject to the laws and rules of various organizations at the same time. Panarchy need not mean total legal separation from existing legal relationships. Some may aim for total legal separation and some may not. If an individual or group chooses not to be subject to some particular law, they may still choose to remain subject to many or all other laws. Refusing to abide by a rule that one must sit in the back of the bus does not imply one must reject all the rules one is subject to. Some may be content with most or even all of the laws they are currently subject to. Panarchy is individual choice, not a uniform system imposed externally.

Panarchy is certainly realizable. The nation-state legal system is based entirely on making distinctions between individuals and groups, and applying laws according to those distinctions. Before a legal decision is rendered, the law needs to know who the individual is and what the circumstances of the individual case are. Traveling faster than the posted speed limit may be against the law, but not for policemen, firemen, and ambulance drivers. Owning a casino in the

United States may be illegal for most, but not if you are of Native American descent. Thus, Panarchy is possible *in principle*, since nonuniformity of legal relationships is already understood and widely practiced.

Panarchy does not require collective agreement and need not be granted or allowed. When a citizen of a democracy visited a Communist country forty years ago, it was impractical in most cases for the Communists to forcibly conscript him. But this didn't mean the Communists accepted democracy in principle and wouldn't have forcibly conscripted him were it practical to do so. Similarly, it need not be the case that states accept, in principle, the greater freedom of some people living in the territory shared by both. It may simply be the case that to forcibly conscript people who are more free is impractical. For a greater amount of freedom to exist, it is not strictly necessary to change the ideology of those who prefer less freedom.

As one cannot predict with certainty what products, services, and cooperative arrangements the evolving free market will bring about, so one cannot predict with certainty what legal arrangements may be brought about by free political choice. Almost everything about a hypothetical Panarchist future is unknown. We don't know how Panarchy will emerge. We don't know what legal or political choices people will make. We don't know how those choices will affect larger society, or what relationships will be formed among the various coexisting societies. We don't know what changes in attitude will be brought about by a new political reality. The choices of individuals, and not any particular individual's plan or vision, will bring about all concrete future arrangements.

Some confused "left" libertarians view libertarianism and Panarchism as means for universally establishing their own value system or universally abolishing another person's value system. They believe that libertarianism is a means for destroying corporations and for establishing agricultural communities. They believe that libertarianism will bring an end to team sports, and that backpacking through poor countries, as they prefer, will become the primary value. Some want to abolish hierarchy and material inequality in all societies and, as traditional leftism has been discredited, they now view libertarianism as the best available means for doing so. Some are hostile to modern grooming and hygiene, and some are hostile to traditional heterosexuality. Others hate the United States or

Christianity or land ownership. Some still do not accept the idea of commercial activity in general and believe that business and moneymaking are largely unethical.

However, Panarchy and libertarianism have nothing to do with the leftist's agenda. Panarchy isn't about one's nationality, sexuality, or personal hygiene. And Panarchy isn't about one's hierarchical or material status. The question of whether the most harmful aspect of the State is socialism, or laws granting privileges to corporations, or powerful militaries, is irrelevant. Panarchy and libertarianism are theories about political choice and freedom from political subjugation. Once we view libertarianism as an attempt to impose a value system on others, we then become people from whom others will seek *their* liberty. Then they become libertarians, and we the Statists. Panarchy is political freedom.

Panarchy is the libertarian ideal.

Extraterritoriality What is it? Why deny it?

Richard C.B. Johnsson

It is a recognized principle of modern international law that every independent and sovereign State possesses absolute and exclusive jurisdiction over all persons and things within its own territorial limits. This jurisdiction is not qualified by differences of nationality, and extends to the persons and property of subjects and foreigners alike. (Opening lines of Liu 1925)ⁱ

Following a habit of questioning things, we have today come to this so-called principle of *territoriality*, and the absolute and exclusive power of these territorial States. In doing this, we have to take into account the risk of being called things like radical, idealistic, naïve, and even utopian, each word being used in a very negative sense. Curiously, the more educated people think they are, the more willing they seem to call you things like this.

Why is that do you think? Well, first of all, most people seem to take for granted that territoriality has always been the guiding principle in such human affairs. This premise is simply wrong. But secondly, we also have to ask ourselves why people react so negatively when the principle of territoriality is questioned?

In this article I will tell you about another principle, the principle of *extraterritoriality*. But I will also share with you what seems to me to be the three major reasons for the almost absolute refusal to question the principle of territoriality—one based on a kind of ignorance or poor reasoning; another based on power; and yet another based on selfishness.

Part 1. Accepting Extraterritoriality as a Real Thing

The guiding principle behind the judicial system we have today, worldwide, we can refer to as territoriality (or perhaps “territorial governance”). This means that the territorially sovereign States of today claim absolute political authority within their respective fixed territories. Wherever you are in the world today, basically you have to yield to the laws of that particular territory, regardless of their contents or whether you approve of them or not.

We could contrast the current system with a system of extraterritoriality (or perhaps “non-territorial governance”). In such a system, the laws are not bound to the territory, but rather to the person. This has also been referred to as “Personal Law” or “Personality of Laws.” Thus, in one and the same place, it is possible for people to submit to various systems of laws. It is also possible for an individual to change governments—governments are in a way competing to best serve people’s needs—or start a new government if desired.

It seems that the guiding principles behind such a system of extraterritoriality are so distinct from the present system of exclusive territoriality that, in fact, the two systems cannot be regarded as anything else but opposites, mutually exclusive, and principally different in nature.

To the great surprise of far too many people, there was a time when the kind of territorially sovereign governments we see today were unheard of. One reporter from the past, Bishop Agobard (779–840), tells us: “It often happens that five men, each under a different law, would be found walking or sitting together.” We can see the remnants of this system in consular jurisdictions, embassies, and how ships entering foreign harbors still carry and submit to the flag of their choice. There are abundant written traces of extraterritoriality in

Africa, Europe, and Asia. Most likely, the principle is as old as mankind and has existed everywhere.

Extraterritorial Tolerance in Ancient Times

For example, there are records of this principle of extraterritoriality available from ancient Sparta, Greece, Egypt, and Rome. The *perioeci* enjoyed Spartan protection as well as the right to manage their communities. In Greece, special magistrates, *xenodikai*, were instituted for trying cases in which noncitizens were involved. In the Roman Republic as well as in the early Empire, there was a similar magistrate, the *praetor peregrinus*. The *peregrini* were not true foreigners; they were free inhabitants and subjects of Rome but neither citizens nor Latins. Thus, there were people that had the right to manage their own communities and live by their own laws within the same territory.

In Rome, the system of extraterritoriality was abandoned as citizenship was extended to all people within Roman territories. During the Empire, political centralism, monopolism and territorialism gained ground. But after the fall of Rome, however, the principle of extraterritoriality really flourished. It was at this time that Bishop Agobard filed a report to us about those five men sitting peacefully together at one spot while living under different laws. Romans, Lombards, Goths, Franks, Burgundians, Alemanns, etc. all lived by their own laws for centuries, regardless of where they happened to stay geographically. People could and actually did change their allegiance to laws and governments. This is why it is often referred to as “Personal Law” or “Personality of Laws.”

One important ingredient of Muslim laws (*Sharia*), originating in the Quran,ⁱⁱ is the so-called *dhimmi* system, or later, in the Ottoman Empire, the *millet* system. Liu provides several early examples of extraterritoriality outside of Europe in Muslim regions. He mentions two seventh-century documents giving privileges to Christians in Syria and, in relation to these, Liu makes the following important remark:

It is a remarkable fact that all these Capitulations [i.e. the extraterritorial rights] are unilateral or one-sided, dispensing favors without exacting any consideration. The explanation is

again to be sought in the exuberant zeal for commercial development or nowhere. The object of the Capitulations was to regulate the conditions under which Europeans were to do business in the Levant; the interests of the Mussulman, whether at sea or abroad in a Christian country, were ignored in the scramble for the benefit of European commerce at home. Thus, the element of reciprocity was conspicuously absent, but its absence, though conspicuous, ought not to betray any derogation from sovereignty on the part of the proud Saracens. The fact is that during the period under examination, the notion of exclusive sovereignty was still unborn, and it is highly improbable that much attention could have been paid to it by the negotiators on either side. (p. 56-57)

Thus, the Muslims seem to have invited foreign merchants to come and trade with them by giving them the rights to live by their own laws, i.e., unilateral extraterritoriality voluntarily granted for mutual benefit. But even more clear evidence is available; there was an important religious aspect of extraterritoriality as well. Liu also cites another scholar explaining the meaning of that passage in the following way:

The Mussulman law was not made for the foreigner, since he is a non-Mussulman; it is necessary that he remain subject to his own law. The Mussulman law can neither protect him nor judge him nor punish him, since it protects, judges and punishes only Mussulmans; it is necessary that he be protected, judged and punished by his own law. (p. 57-58, footnote 3)

Liu also mentions ninth-century extraterritorial rights of the Frankish merchants in Jerusalem. (“Frankish” more or less meant Christian or European.)

Another example was the famous *Convivencia* in Medieval Spain where Jews, Muslims, and Christians for a long period of time—dates referred to are often A.D. 711-1492—lived and prospered together in harmony, at least by today’s standards. Although also a kind of dhimmi or millet system, this period is often referred to as a “golden age” of religious and ethnic tolerance and interfaith harmony between Muslims, Christians, and Jews.ⁱⁱⁱ

The principle of extraterritoriality was also present in the great Mediterranean trading cities such as Florence, Venice, and Genoa, places often referred to as the cradle of modern Western wealth creation.

There are also early traces of extraterritoriality in Asia. For example, “A Mussulman was charged by the Emperor of China with the power to decide the disputes which arose among the men of the Mohammedan religion in the ninth century.” (Liu, p.50) This was during the Tang Dynasty (618 to 907), the shiniest period in China’s history, where in Chang’an (currently Xian) you could openly discuss something like twelve major religions. During the Tang Dynasty, China became the most powerful and prosperous country in the world. In this period, the economy, politics, culture, and military strength reached a level of unparalleled advancement. So, the principle of extraterritoriality was important in most parts of the world at that time, in some of the most important places in human history.

Barbarian Tolerance

Edward Gibbon, in his tome *The Decline and Fall of the Roman Empire* (ch. 38), wrote the following in reference to the “Laws of the Barbarian” of the fifth and sixth centuries:

[T]he laws of the barbarians were adapted to their wants and desires, their occupations and their capacity; and they all contributed to preserve the peace, and promote the improvements, of the society for whose use they were originally established. The Merovingians, instead of imposing a uniform rule of conduct on their various subjects, permitted each people, and each family, of their empire freely to enjoy their domestic institutions; nor were the [remaining] Romans excluded from the common benefits of this legal toleration.

In a footnote to this section, Gibbon argued with our friend Bishop Agobard, saying that he “*foolishly* proposes to introduce an uniformity of law as well as of faith” [emphasis added]. Indeed, it seems just as foolish to propose uniformity of law as uniformity of faith. For why is tolerance good in one sphere of life and not in others? Why stop at

religious tolerance? Just as religious tolerance rejects uniformity of faith, the medieval kind of non-territorial governance rejected uniformity of laws (and thus also uniformity of faith). After all, it remains to be explained how tolerance can be good in only one sphere of life and not in others. Extraterritoriality does not stop at religious tolerance but extends tolerance to all spheres of life. While legal tolerance was a feature of the so-called barbarian laws, it seems to be a missing feature of the territorial monopolist states of today. Who really are the true barbarians?

Liu (p.76) also makes an interesting point about a later lack of extraterritorial rights in Asia, and about the connection between religious tolerance and tolerance in a broader meaning:

As is well known, Confucianism and Buddhism, the dominant systems of philosophy and religion in the Far East, make no discriminating distinctions between the native and the alien. They teach tolerance and indulgence to all alike.

Thus, to the extent Liu is correct, a larger degree of tolerance could be present anyway. After all, it is tolerance that is the important thing, not extraterritorial rights per se.

One thing is clear: such worldwide extraterritorial rights did not originate in late European Imperialism or because of poor foreign judicial systems, as is often believed. In relation to this, Liu (p.32) makes the important observation that historical records like those mentioned above are sufficient to:

...throw overboard the theory that extraterritoriality was in any way intended to derogate from the sovereignty of the State granting it, inasmuch as the notion of territorial sovereignty was as yet unknown when extraterritoriality took its root.

Thus, extraterritorial rights were not intended to derogate State sovereignty, since State sovereignty simply was unheard of! Instead, these impositions were later ingredients, imposed by already territorially sovereign, often European, governments in a very imperialist manner indeed.

Thus, it seems that extraterritoriality has existed in Africa, Europe, the Levant, and the Far East; indeed, in all the places Liu studied. And

I suppose you will find the same story wherever you look in world history.

The Rise of Territorial Intolerance

But when, how, and why did the principle of territoriality really gain ground and when did the territorially sovereign states of today really arise? It seems that the year 1648 is important in this regard. This was the year of the Peace of Westphalia, which ended the Thirty Years War in Europe. In these treaties the idea of exclusive territorial sovereignty basically replaced the principle of extraterritoriality and the Personality of Laws as the fundamental principle of international intercourse. However, the race for colonial possessions and similar territorialism had already started. Thus, territorialism didn't follow from the peace treaties but instead the idea of territorialism, i.e., a strong will to impose uniform laws and faith within a certain territory, seems to have been an important reason for the Thirty Years War to begin with.

How was extraterritoriality technically replaced by territorial sovereign States? There were six major ways: (1) by passing under the sovereignty of States which do not recognize or grant the right of exemption from local jurisdiction; (2) by passing under the temporary jurisdiction of such a State; (3) by breaking off from a State in which the extraterritorial system exists; (4) by becoming a protectorate of a State which does not concede rights of extraterritoriality; (5) by unilateral cancellation; and (6) by diplomatic negotiation leading to a mutual agreement on the abolition or preliminaries to it.

The technical details of each and every case in which extraterritoriality was abolished are very interesting, but what's really interesting are the reasons put forward why territorial sovereignty was to be preferred. This makes the last two categories of special interest, since they involve statements defending the changes.

For example, we have the treaty between Turkey and the Soviet Government in Russia in 1921, ending extraterritorial rights in Turkey:

The Government of the R.S.F.S.R. [Russian Socialist Federated Soviet Republic] considers the Capitulatory régime [i.e. the extraterritorial rights] to be incompatible with the free

national development and with the sovereignty of any country; and it regards all the rights and acts relating in any way to this régime as annulled and abrogated. (Liu 1925, p. 185, citing the Soviet/Turkey treaty.)

It seems nonterritorial governance is indeed incompatible with “free national development” and territorial state sovereignty. We all know the results of “free national development” in Leninist Russia and Turkey of that time, with the atrocities conducted by these sovereign states against people within their territory.

Another example involved Persia and the Soviet government:

[T]he R.S.F.S.R formally affirms once again that it definitely renounces the tyrannical policy carried out by the colonizing governments of Russia which has been overthrown by the will of the workers and peasants of Russia. // Inspired by this principle and desiring that the Persian people should be happy and independent and should be able to dispose freely of its patrimony, The Russian Republic declares the whole body of treaties and conventions concluded with Persia by the Tsarist Government, which crushed the rights of the Persian people, to be null and void. (Liu 1925, p. 198, citing the Soviet/Persia treaty.)

A quote like this makes sense only if one replaces “the Persian people” by “the Persian people in power,” i.e., those running the territorially sovereign State. The power of the State seems to have been the main idea of the day. Is it really much different today?

Often the extraterritorial rights were said to give rise to “governments in the Government” or “States within States,” as if this would be a problem, whereas the truth is that various kinds of governments could and did peacefully coexist in the same territory. But it is indeed a problem for a government seeking to be a territorially sovereign monopolist. It dislikes the competition and tries to prohibit it, perhaps picturing itself as some kind of mother-government with numerous wild children running around—not not very convincing, nor very true.

I wrote above that most people seem to take for granted that territoriality has always been the guiding principle in human affairs. I

hope this premise has been fully exploded by this short lesson in human history. Granted, this historical exposé doesn't prove that extraterritoriality was the only guiding principle in human affairs, but it is absolutely clear that territoriality has NOT always been the guiding principle in human affairs. There is no doubt that the principle of extraterritoriality has been an important principle in the past. It also appears to be far more tolerant, extending the principle of religious tolerance to all spheres of life.

Part 2. Understanding the Refusal to Accept Extraterritoriality as a Real Thing

Interestingly, it isn't very hard to gain knowledge about the principle of extraterritoriality and accepting that territoriality has NOT always been the guiding principle in human affairs. Why then do so few people question the principle of territoriality?

Reason #1. "The Survival of the Fittest" Scare

The first reason seems to be that when people start thinking about any alternative to the absolute and exclusive power of the territorial State, they believe that the alternative would be something like "the survival of the fittest," or perhaps violent anarchy. That is, they believe that once two parties ended up with conflicting views, the views held by the stronger party would win. By "stronger" is implied the threat or use of physical force. According to this view, only the stronger would survive, and such a terrifying absurdity isn't even worth thinking about. Hence there is, allegedly, no need to question the principle of territoriality. End of story, they seem to think.

There is a related type of argument that also concludes that it is absurd to question the principle of territoriality. Here's one example:

Instead of a single, monopolistic government, [...], there should be a number of different governments in the same geographical area, competing for the allegiance of the individual citizens, with every citizen free to "shop" and to patronize whatever government he chooses. (Ayn Rand, "The Nature of Government," in *The Virtue of Selfishness*)

This situation is described by the same author as an absurdity, “devoid of any contact with or reference to reality,” and this is supposedly proven by the following example:

Suppose Mr. Smith, a customer of Government A, suspects that his next-door neighbor, Mr. Jones, a customer of Government B, has robbed him; a squad of Police A proceeds to Mr. Jones’ house and is met at the door by a squad of Police B, who declare that they do not accept the validity of Mr. Smith’s complaint and do not recognize the authority of Government A. What happens then? You take it from there.

Thus, once again we see, allegedly, that it is absurd to question the principle of territoriality.

But we have already seen that in history we actually have had “a number of different governments in the same geographical area” and that people could and actually did change their allegiance to laws and governments while still in the same territory. So how then were conflicts solved in the past when there were no territorial sovereign States?

Conflict-Solving and Extraterritoriality: *Actor Sequitur Forum Rei*

We have already cured the ignorance about alternatives to our territoriality and have learned some historical facts about extraterritoriality. Now it is time to learn some historical facts about important principles of conflict-solving that were rather common under extraterritoriality. Because, as Maitland (1898) noted, “a system of personal laws implies rules by which a ‘conflict of laws’ may be appeased.”

The most straightforward way to solve such a conflict of laws would perhaps be a mixed court, such as the famous historical examples of the old mixed courts of Egypt or Shanghai. Furthermore, as Liu (p.59) points out, “in mixed cases, the principle *actor sequitur forum rei* was generally adopted, but not without vagueness and confusion at times.”^{iv} What does this principle of conflict-solving mean? Liu informs us:

It is noteworthy that under a régime of personal jurisdiction, the law applied was that of the defendant, except in cases of serious crime, in which the law of the injured party or plaintiff prevailed. A connection might be established between this rule and the principle *actor sequitur forum rei*, one of the basic formulae of modern [i.e., 1920's] extraterritorial jurisdiction, under which the plaintiff follows the defendant into his court. [p. 29, emphasis in original.]

It turns out that the principle of *actor sequitur forum rei* [i.e., the plaintiff follows the defendant into his court] assumes a different meaning in combination with territoriality than when used in combination with extraterritoriality. Today, the territory in which the conflict arises, and its exclusive laws, determines the competent court for the case. This means that the plaintiff must bring suit against the defendant in the state of his domicile, habitual residence, or principal place of business. Thus, consistent with territorialism, this has become a territorial principle. However, in combination with extraterritoriality, *actor sequitur forum rei* meant that the defendant is judged according to the laws which he adheres to.

Gibbon confirms this nonterritorial interpretation of *actor sequitur forum rei* (ch. 38, "Laws of the Barbarian"):

The children embraced the law of their parents, the wife that of her husband, the freedman that of his patron; and *in all causes where the parties were of different nations, the plaintiff or accuser was obliged to follow the tribunal of the defendant, who may always plead a judicial presumption of right or innocence.* A more ample latitude was allowed, if every citizen, in the presence of the judge, might declare the law under which he desired to live, and the national society to which he chose to belong. Such an indulgence would abolish the partial distinctions of victory: and the Roman provincials might patiently acquiesce in the hardships of their condition, since it depended on themselves to assume the privilege, if they dared to assert the character, of free and warlike barbarians. (emphasis added)

Thus, according to the old, and most likely the original, meaning of the principle, the plaintiff follows the defendant into his court of choice. This “ample latitude” of extraterritoriality seems to be both a natural and tolerant way of solving conflicts. Simply imagine the opposite and this becomes evident; this would imply that other people are demanded to follow the way of living that you prefer, a demand not very tolerant and contradicting the Personality of Laws.^v

Maitland (1898) provided some further concrete examples of old rules for conflict resolution under extraterritoriality and personal laws:

We may see, for example, that the law of the slain, not that of the slayer, fixes the amount of the wergild [i.e., fine], and that the law of the grantor prescribes the ceremonies with which land must be conveyed. We see that legitimate children take their father’s, bastards their mother’s law. We see also that the churches, except some which are of royal foundation, are deemed to live Roman law, and in Italy, though not in Frankland, the rule that the individual cleric lives Roman law seems to have been gradually adopted.

At first thought, one might assume that in the case of a crime committed against a member of another personal-law community the more severe law should be applied. However, that would immediately imply a risk that the defendant would have to follow the plaintiff to his court, i.e., the opposite principle. It would imply that the law of others is imposed on you, i.e., in a very intolerant manner. Hence, there would be well-founded objections to that kind of system since there would at least have to be some amount of coercion involved.

However, for really serious crimes such as murder, ‘the law of the slain, not that of the slayer’ would most likely decide, as both Liu and Maitland indicate was often the case in the past. Exactly what crimes were to be regarded as serious enough to nullify the principle *actor sequitur forum rei* were perhaps stipulated in advance, and this is one likely reason why many ancient laws are so concrete when it comes to crimes and punishment. There were also cases, as in medieval Iceland, where the plaintiff could sell his claim, and most probably the buyer would be someone within the same system of law as the defendant.^{vi}

But make no mistake, when it comes to conflict-solving, there will always be unjust outcomes, or “vagueness and confusion at times,” as

Liu put it. That's simply a fact of life that no human design of laws can avoid.

What about the scary scenario of "survival of the fittest?" Well, it seems far from evident that the "survival of the fittest" is more likely to occur in the absence of territorial governance. Quite the contrary, because how is the weaker party helped by having to accept the laws imposed by the stronger? Wouldn't it be much more secure for the weaker party if he could be judged by his laws instead of by those of the stronger party? It seems rather of obvious when you think about it, doesn't it? And what would you choose; an unjust verdict of a just law or a just verdict of an unjust law? I would certainly be happier with what I believe to be good laws accompanied by a poor court system than having to settle with what I believe are bad laws accompanied by a great court system.

Governments have existed peacefully alongside each other in the same territory in the past, and there were many more tolerant and peaceful ways of solving conflicts than most people seem able to imagine. Hopefully, we know about this historical fact as well by now. To sum up, it seems that ignorance of the past and some poor reasoning are possible reasons for the refusal to question the principle of territoriality.

Reason #2. Power Extending and Manifesting Itself

The second reason seems to be that when we start thinking about alternatives to the territorial State, we realize that most of us are somehow rather involved in the activities of this State.

Whether we like it or not, it is a fact that the absolute and exclusive power of the territorial State has grown into almost every aspect of our lives. There are many such aspects that we are not aware of, and those that we are aware of we kind of take for granted. These different aspects affect the daily lives of every person on this planet, and this also means that an ever increasing share of the population works for the territorial State, directly or indirectly. Even though we find many cases of ordinary people and civil servants that are courageous enough to challenge some aspects of this power that they don't like, there is a more dominant effect present as well. It is the not-so-courageous tendency to go with the flow, to do your job no matter what it implies.

And as this effect is multiplied by millions and millions of ordinary people and civil servants, the imposition of the propaganda, false premises, and misinformation is massive. Little by little the absolute and exclusive power of the territorial State expands.

At the time of the rise of the principle of territoriality and its intolerance, a process of such abuse of power started. Liu (p.103) explains:

With the growth of the territorial theory of law, States fettered with the anomaly of extraterritoriality have labored again and again to throw it off. Little by little, the statesmen of these countries have awakened to the fact that what had once been a normal practice had become a distinct limitation and derogation of their sovereignty.

And little by little the absolute and exclusive power of the territorial State has expanded to unprecedented levels. Such states have been attacking extraterritorial rights within their own territory in order to expand their powers at home, also ending their own extraterritorial rights abroad in order to help friends in power to expand their powers in their home territory, as with the Soviets above. But such states have at times also been eager to try to impose extraterritorial rights on others in a kind of imperial fashion, mostly in Asia during the eighteenth and nineteenth centuries.^{vii}

Unfortunately, such injustices have given rise to a countermovement that mistakenly denounces extraterritoriality in general, not only the imposed version, thus serving to discredit the original meaning of extraterritoriality and further advance the idea of territoriality.

One twentieth-century example of this was the May Fourth Movement in China, starting in 1919. Among other things, it was a reaction to the way China's European Allies at the end of WWI and the Peace Conferences of Versailles, rather than ending German extraterritorial rights in China, instead handed them over to Japan. One of consequences of this was the birth of the Chinese Communist Party that years later took over the absolute and exclusive power of the territorial State, with some familiar and not-so-pleasant passages of history. Thus, this was a case where extraterritoriality in general was

mistakenly discredited and the idea of the absolute and exclusive power of the territorial State further advanced.

There is no reason to delve any more into this. An absolute and exclusive power also has an absolute and exclusive power to further its agenda. Thus, it seems that since most of us are somehow rather involved in the activities of this absolute and exclusive power of the territorial State, we tend not to question the principle of territoriality.

Reason #3. Selfishness and the “Impose-and-Forbid Scheme”

This might come as a surprise to many, but there is reason to believe that a kind of selfishness is among the reasons for not questioning territoriality. Or rather, the principle of territoriality may breed the worst kind of selfishness in people. To see this, ponder the following quote from Oscar Wilde:

“Selfishness is not living as one wishes to live, it is asking others to live as one wishes to live.”

It isn't really a bad thing to wish to live your way. But if everybody within a territory more or less has to live in the same way, as is stipulated by the principle of territoriality, the only way you can live as you wish is if everybody else does so as well. This implies that to have it your way, you somehow have to impose your way on others. This could of course be done in a peaceful manner, but since it is impossible in larger communities that everyone will wish to live the same way, the peaceful manner will not do. Thus, if you wish to live your way, you have to impose it on others by more-or-less nonpeaceful means. This makes people act selfishly where there's really no need to. The principle of territoriality breeds selfishness—of the worst nonpeaceful kind.

Moreover, the principle of territoriality not only makes you want to impose your way on others, it also makes you want to oppose other peoples' way of life, even if nonpeacefully. Because if other people have it their way, it must also be the way you will have to live. Thus, you not only want to aggressively impose your will on others, but also want to stop everybody else from having their will come through. This we could dub the “Impose-and-Forbid Scheme.” And here you have

what seems to be a third reason for not questioning the principle of territoriality.

The political monopolism imbedded in the principle of territoriality makes many people afraid of discussing other ways of life, since if one particular way of life gains ground this means that everybody would have to change in that direction, including you. This tends to make even a simple debate about different ways of life really superficial, since almost everyone really only wants to further their own agenda and is extremely unwilling to grant anyone else the right to live their way of life. It is in such a climate the political debate of today is conducted, or rather, not conducted.

Why Did Such Rights Exist?

Let's contrast this situation with extraterritoriality again. Now, when one thinks of it, the origins of extraterritoriality perhaps aren't that strange at all. For most of our common history, people have lived as nomads in small hunter-gatherer societies or in territorially dispersed communities of low average population density where strict borders were not claimed or upheld. In such societies they developed their own set of moral standards and laws (but perhaps mostly unwritten memorized legislation). It became only natural that the laws followed the persons, not the territory. When encountering people from other such extraterritorial communities, it would seem only natural to expect that those others lived by different moral standards and laws.

Furthermore, in order to avoid conflict, it would be best not to try to impose one's own moral standards and laws on others. To avoid that others try this, it seems only natural to abstain from it oneself. If conflict arises, the best way to avoid further conflict would be to let the defendant be judged by his laws. Hence, the common question about a stranger's origins related to his law and customs, not only to his place of birth and ethnicity. Extraterritoriality thus presents itself as a more tolerant and peaceful solution.

Territorialism, Major Warfare, and Mass Murder

What might happen if we let power and selfishness breed under the principle of territoriality? Well, you would want to impose your way of life on others and stop them from having their way of life. This has created two terrible habits of territorially sovereign monopolist governments, since the people in power also tend to follow the selfish “impose-and-forbid scheme.”

First of all, they tend to create disputes with other territorial monopolists. Now, the creation of disputes is far from only a territorialist notion. However, what makes disputes between territorial sovereigns so dreadful is that it becomes very easy to make people believe that the people living on the other side of the border are really different from people on this side of the border. The monopoly on the legal right to use force makes it easy to suppress any nonconformists, dissidents, and opponents—and provide the false impression of unity. This blurs the distinction between the really bad guys and ordinary people. And this in turn allows for total war involving whole populations. It provides motives, targets, finance, conscripts, and “culprits” according to the principle of “collective responsibility.” All those taxed, conscripted, or otherwise victimized by such a territorial government are considered to be its supporters.

Thus, territorial claims are a major source of war, especially large-scale war. Just think of the fighting in the First World War at Verdun, with 700,000 casualties, mostly conscripts, in a territory of not even ten square miles. Just think of the indiscriminate killings of hundreds of thousands of civilian innocents whenever weapons of mass destruction are used—who are the true barbarians when such savage acts are committed?

Secondly, territorially sovereign monopolist governments also have the terrible habit of waging war on their own populations, or on selected parts of them. Once again we see the selfish “impose-and-forbid scheme” at work. The monopoly on the legal right to use force makes it easy to persecute people without meeting any major resistance. Genocide committed by territorially sovereign states as in Soviet Russia, National-Socialist Germany, China, Cambodia, etc., reached terrible proportions, with some 170 million killed in the twentieth century alone, mainly because those governments could

carry on their misdeeds without meeting any strong domestic counterforces.

Modern major warfare and mass murder is essentially a consequence of territorially sovereign governments. We should, however, not be led into believing that extraterritoriality would eliminate all abuses; everything can be abused and those “good old days” of extraterritoriality perhaps weren’t all too good. Extraterritoriality can be established in both tolerant and intolerant ways, as history clearly shows. It is also a fact that former and in some regards more tolerant extraterritoriality was transformed into more intolerant territorial authoritarianism. Nevertheless, if claims to territorial sovereignty could be eliminated, and early seeds to such claims curbed, then territorialist warfare and mass murder seem far less likely to occur again, and a move towards greater tolerance more likely to be instigated.

Panarchy in Our Time

An essential part of *Panarchy* is the full political freedom of choosing *and* having one’s desired government (or no government), with as much political, economic, and religious freedom as desired, regardless of where you are geographically. A central part of Panarchy is extraterritoriality, in the original meaning of the term. Extraterritoriality has existed practically everywhere in the past, and there is no reason that this cannot be the case again. Maybe one day it will once again be perfectly natural, on encountering a stranger, to ask: *Qua lege vivis?* According to what law are you living?

Instead of ignoring extraterritoriality, instead of more or less aggressively and selfishly seeking to impose your will on others, and instead of seeking to stop everybody else from having their will come through, I suggest we challenge not only the principle of territoriality, but also the “impose-and-forbid scheme.”

I suggest that we should start trying to follow a new principle, a principle that in Latin reads *Do ut des*, or “I give, so that you may give.” This means that if we want our full political freedom of choosing *and* to have our desired government (or no government), i.e., if we really want Panarchy in our time, we’d better start doing the opposite of what we’ve been doing so far. That is, we have to start

giving other people a chance to have their way of life, helping them in achieving their kind of freedom, even if we don't like it, and perhaps even if they are intolerant in many ways towards others. We must give people their freedom if we want to have ours.

But how can we spread this message? Confucius gives us a hint at what we are up against:

By three methods we may learn wisdom: First, by reflection, which is noblest; second, by imitation, which is easiest; and third by experience, which is the bitterest.

By challenging not only the principle of territoriality, but also the "impose-and-forbid scheme," hopefully we can open up a new course of political debate. However, very few will comprehend the benefits of extraterritoriality and Panarchy on their own, even with the help of billions of texts and books. We also need positive real-life examples, examples that people can imitate. And those who still don't get it will eventually appear as ignorant, selfish, and intolerant as they really are, or radical, idealistic, naïve, and even utopian in the most negative sense. They will have to change the bitter way.

Let's avoid ignorance, selfishness, and intolerance. Let's help the ignorant, selfish, and intolerant territorialists have their way of life, their governments, their laws, and their kind of freedom. And we will hopefully have ours. We will hopefully have Panarchy in Our Time.

References

- ⁱ The full reference is: Shih Shun Liu, *Extraterritoriality: Its Rise and Its Decline* (New York: Columbia University Press, 1925), Introduction.
- ⁱⁱ From Quran, Sura cix: “Say: O ye unbelievers! // I worship not what ye worship, // And ye are not worshippers of what I worship; // And I am not a worshipper of what ye have worshipped, // And ye are not worshippers of what I worship. // To you your religion; and to me my religion.”
- ⁱⁱⁱ Vivian Mann et al., eds. *Convivencia: Jews, Muslims, and Christians in Medieval Spain*. George Braziller: 1992.
- ^{iv} Some of those considering personal or totally private law today seem to be unaware of the principle *actor sequitur forum rei*. For example, Benson (1990) believes that arbitration would be the likely solution, “likened to formal or informal extradition treaties among political entities” (p. 32). This even seems to be the exact opposite of the principle at hand. Also Friedman (1973) seems to be unaware of this principle. He provides three ways a conflict between laws could be handled, none being the principle at hand: “The most obvious and least likely is direct violence—a mini-war between my agency, attempting to arrest the burglar, and his agency attempting to defend him from arrest. A somewhat more plausible scenario is negotiation. Since warfare is expensive, agencies might include in the contracts they offer their customers a provision under which they are not obliged to defend customers against legitimate punishments for their actual crimes. When a conflict occurs, it would then be up to the two agencies to determine whether the accused customer of one will or will not be deemed guilty and turned over to the other. // A still more attractive and more likely solution is advance contracting between the agencies. Under this scenario, any two agencies that faced a significant probability of such clashes would agree on an arbitration agency to settle them—a private court. Implicit or explicit in their agreement would be the legal rules under which such disputes were to be settled.” Hence, these authors seem to have no knowledge of perhaps the most important principle in this regard, i.e., *actor sequitur forum rei*.
- ^v Moreover, it isn’t plausible to demand that others should keep themselves informed of the details and changes in the law under which you live, and they don’t.
- ^{vi} For discussions of things like this, see for example Benson (1990), Long (1994), and Friedman (1973).
- ^{vii} There are people advocating such rights openly today on behalf of the US Government and, in fact, many steps in that direction have taken place somewhat by stealth in the last decades alone, especially when it comes to financial accounting, auditing, and corporate governance (e.g., the Sarbanes-Oxley Act of 2002).

Some Notes for a Talk on Panarchism to Anarchists

John Zube

These notes were prepared for the anarchist festival of May 1986, in Melbourne, but not used there for lack of interest in such a talk. Only a discussion in a very small circle resulted. In November 1986, I used a German translation of it as the basis for a talk to the Open Mind Festival of the Freenetwork in Kerpen/Buir. There, about 30 people were present, but again not much of a discussion occurred, for lack of time, and probably lack of interest, since only one person showed serious interest in panarchist literature afterwards.

Panarchists are receptive to anarchist notions. Are anarchists receptive to panarchist notions? They ought to be!

For Panarchism embodies the best of the anarchist notions without being authoritarian about it! It remains tolerant towards dissenters and lets them do their own thing. Even those panarchists who prefer anarchism for themselves do not want to impose it upon others. Their voluntaristic, individualistic, cooperative, autonomous, moral, utilitarian, scientific, and realistic outlook is rather:

Anarchism for anarchists and all kinds of anarchism for anarchists.

To each the government or non-governmental society of his or her dreams.

Freedom of action and freedom to experiment belong to all who are prepared to confine it to their own sphere, their own labours, funds, and lives.

Every other proposal of a supposed ideal, supposedly being best suited to all people as they are now, in spite of their different opinions, preferences, and aims, only serves to set them at odds with one another, and is essentially authoritarian—even totalitarian—by being intolerant towards all other solutions wanted by dissenters for themselves.

Anarchists who are not also panarchists are thus merely a subspecies of totalitarians!

Panarchists try to point out to them this unjustified and remaining totalitarian attitude, one which most of them are not aware of, and would at present, in most cases, deny. I do not deny their good intentions, but these are not enough.

Each faith, each ideology, tends to deviate from its original ideas, sometimes in a quite fundamental way and usually without most members being aware of what has happened. They still imagine themselves to be loyal upholders of the traditional doctrines. I mention only the “love thy neighbor” Christians who organized large-scale mutual slaughter, sanctioned by priests on both sides. You can think of many other examples. I only challenge you to consider your own.

Anarchism has not been spared this fate. Not only has it suffered numerous schisms over details, nay, some of these “anarchistic” groupings have rejected, in practice and in theory, some of their original doctrines or insights. They have become heretics towards their own original heresies. They have interpreted, revised, “reformed,” and qualified their original creeds so much that with some of them all too little of their original ideas are left.

Possibly this happened because their original prophets and apostles were also human, i.e., not always consistent and swayed by prejudices. Moreover, their holy books are not yet fully accessible to all and still not fully indexed and abstracted now, so that it is not easy to find out what the originators had to say on any particular point, or what they considered to be the most fundamental aspects of their new radical faith.

They also shared some of their premises with the statist and only very few of them have queried these premises up to now.

For instance, all too many of them, even the supposedly most radical individualists, have uncritically adopted the doctrine of equality, which in many ways is also the guiding error of the statist. (Equal citizenship, equality under the law, uniformity in a single community, etc.)

Many anarchists have merely—in a totalitarian way—overextended that error by insisting for example on equal property, or equal abolition of property, or equal poverty, equal earnings, equal votes on all aspects of living, etc.

Another common and unchecked but believed-in doctrine is that of “territorial integrity” or the “territorial imperative.” The difference merely being that those calling themselves anarchists want it on a smaller scale in local communities and intentional communities.

Most anarchists also went along with most of the worst economic errors of the statist. Only they wanted these errors practised less bureaucratically, in a decentralist and collectivist way.

It is simply not easy and perhaps even impossible to shake off environmental influences (the spirit of the times, the generally accepted prejudices) completely, however radical one imagines one’s opposition to be.

Some uncritically adopted the statist faith in force as the ultimate remedy and expressed it in variations of “revolutionary libertarian socialism,” coming close to struggle and revolution for their own sake. Others embraced, in a similarly doctrinaire way, the Christian belief in love, by advocating exclusively non-violent and educational approaches.

In other words, generalisations, polarisations, oversimplifications, various secondary ideas, and doctrines led them astray, away from their original and basic ones. They often see this process operating among their enemies, but hardly ever among themselves.

I will not attempt to prove to you in detail what the original and basic doctrines of anarchism were. Read and abstract the original writings yourself to check my assertions.

I do assert, however, that the main and basic aim of anarchism was to do away with COMPULSORY association with and subjection to others. For example, to do away with tyrants and absolutist kings, or authoritarian, aristocratic, or democratic governments—institutions

obviously not based on unanimous consent. Most were rather vague on what was to follow. (Societies of egoists according to Stirner, a cooperative society according to Engels and Marx, a society based on contract according to Proudhon, etc.)

But when you analyse their various proposals and notions of a society without privileges, monopolies, or coercive “rule” of man over man, the only common feature was:

Voluntarism
 Voluntary Association
 Voluntary Cooperation
 Voluntary Resistance and Defence against those who
 would not permit these.

All too many did then jump to the conclusion that sooner or later all would or should share this preference and that nothing that somehow reeked of statism and hierarchy and rule, or government, or orthodox or modern economics, ought to be permitted to continue, NOT EVEN AMONG VOLUNTEERS. They wrongly assumed not only that all would or should volunteer for a voluntaristic society, but also that all would, within it, realize the same secondary ideals or preferences.

But people as they are—different, prejudiced, and misled—and given individual choice, are likely to make different voluntary choices for themselves than anarchists would—now, in the foreseeable future, and many of them, probably, in the far future.

Panarchists assert that according to the basic anarchist doctrines of individualism, voluntarism, choice, consent, rights, and liberties, people ought to be given that right even to the extent of choosing slavery and despotism, FOR THEMSELVES, as long as they can stand them, or any mixed bag of statism, religious welfarism, etc.

Instead of opposing all such different choices, anarchists should fundamentally (for moral and utilitarian reasons) welcome and even advocate them, because when these choices become generally recognised, then their own would likewise be recognised.

To each his own.

They would then no longer have to convert their opponents to anarchism but would merely have to make their own choices while

letting others do their own. That is a much easier task, because it respects other people with their different choices.

Each to his own tastes. And that applies, naturally, to the potential victims of those cannibalistically inclined.

Instead, anarchists have set themselves up—in opposition to their basic doctrines—as enemies of all states, of all governments, even those that would only rule over volunteers and would not invade the rights of non-members. They have also set themselves up as enemies not only of legalised monopolies, but as enemies of *laissez-faire*, *laissez-passer* (let people produce, let them exchange), and free enterprise and free-trade capitalism, i.e., of the free market—of “capitalism” among consenting adults.

Do such non-coercive governments (towards outsiders) exist? For precedents you have to look no further than to your nearest Rugby League or Rugby Union Clubs. They do all organise violence, but by members and to members only, and to members of voluntarily competing clubs, who similarly subscribe to violence as a “game,” a violence that leaves non-combatants unhurt.

Tennis players, golfers, swimmers, and other sportsmen are not conscripted. They have sorted themselves out according to their preferences and in this respect they are already panarchists, although unconscious ones, and do keep the peace with practitioners or viewers of other sports.

Is there something fundamentally different between football clubs and coercive governments? I see their only fundamental difference as consisting in voluntary membership, which also means non-territorial rule (apart from ownership or lease of playing fields), and which leads, automatically, to voluntary taxation or dues and fees.

Coercive governments are just bigger football clubs with COERCIVE membership, using us as footballs and tax slaves, and a whole country as their playing field, making escape difficult and dependent upon their discretion. But, mind you, they only abuse US in this way. They are such monsters only for the dissenters and nonconformists. For their voluntary members they are jolly good shows, and they should be recognised as such FOR THEM.

Panarchists merely want states and free societies to be run as differently and tolerantly as sports clubs are: football for some, cricket, tennis, golf, etc., for others, each according to their own preferences

Perhaps I should, and with a special effort I could, quote to you hundreds of references from classical anarchists, proving my case that

their basic notion was voluntarism and that they objected mainly to the coercive nature of states and churches, to other vested interests and pressure groups, and to imposed privileges.

I hope that for my purposes here, just some such quotes, still in the classical anarchist tradition, will serve:

- 1.) "Protection and taxation without consent is itself invasion; anarchism favors a system of voluntary taxation and protection."—Victor Yarros, as quoted by J.J. Martin, *Men Against the State*, p. 237.
- 2.) "Anarchism, as I see it, admits of any kind of organization, so long as membership is not compulsory."—Joseph A. Labadie, quoted *ibid*, p. 245.
- 3.) "If we, in any way, dominate the lives of others and prevent them from doing what they wish to do, then for all practical purposes, we cease to be anarchists."—E. Malatesta, "La Question Sociale," Nov. 25, 1889.
- 4.) "I am in favor of free competition in all human enterprises, and to the utmost limit."—H.L. Mencken, *Prejudices*, 3rd. series, article: "The Dismal Science," p. 280. (Admittedly, he probably did not mean it in a panarchistic way.)
- 5.) "...each and every individual has the unquestionable and unbridgeable right of free and voluntary association with other equally sovereign individuals for economic, political, social and all other purposes,..."—Emma Goldman, *Mother Earth*, Vo. IV, 1909-1910. (Alas, she concluded that this would require the abolition of property rights rather than their establishment and maintenance. In *Anarchism and other Essays*, p. 62, she speaks of the "sovereignty of the individual." But would she have favoured it being expressed in panarchies, even by proprietary anarchists?) (See also Kropotkin, *Gegenseitige Hilfe*, S. 134)

While anarchists WISHED that everyone would sooner or later subscribe to their own ideals, what they really opposed was only the coercive imposition of the ideals of others upon themselves and upon other victims of the State, i.e., RULE, against one's will, over oneself, or over others against their will, when those ruled over have not acted invasively but merely want to be left alone to do their own thing. The

original anarchists did not demand that any rule that is FULLY BASED ON CONSENT ought not to be tolerated.

Otherwise, to be consistent, they should not have tolerated either, that their followers followed their examples and teachings. Then those confused anarchists would be right who never even appoint a minute-taker, chairperson, or other official for their meetings and organisations, “on principle,” no matter how disorganised and fruitless their meetings may become.

(Indeed, the anti-organisational approach is ONE anarchist method, if ALL agree upon it. But OTHER anarchistic methods are also possible and right, provided the basic anarchist requirement is fulfilled. Namely, unanimous consent to the method, even if that method grants 51 voluntary members a degree of temporary rule over the remaining 49 voluntary members. The rule of 51 consenters over 49 dissenters would be ended when the latter would prefer to be outside rather than within that association. As long as they prefer to remain in it, they are still giving their primary consent and differ only on details that are secondary to them.)

This basic issue of voluntarism became rather confused because the anti-property anarchists saw in the State a protector of property rights (rather than a protector of privileges and exploiter of property rights), and their animosity to property being their first priority and interpreting the State in this way, they naturally wanted to do away with it altogether, in all forms, as seemingly ONLY upholding imposed PRIVILEGES. All who were consenting to it or demanding it were then classed either as privileged people (oppressors and exploiters) or fools, the wishes of neither to be respected.

The possibility that people might voluntarily uphold contractual property relationships between themselves was not considered by them, although it should have been. Only the individualist anarchists saw and preferred that option.

The special place that landed property has among other property, either as genuine and natural property or as a privilege and monopoly, and the various zealously represented theories on “the ideal and only right” land-tenure system, helped to muddle the situation further. If any State did represent, inseparably, a single and completely wrong land-tenure system, then that State ought naturally to be abolished in order to get rid of that land-tenure system. So they thought.

The fact that many of the somewhat liberal States permitted extensive experimentation with land ownership and use by various ideological groups was often conveniently overlooked by the zealots. Moreover, most land reformers opposed to the private “land monopoly” have turned a blind eye to the most dangerous land monopoly, the large-scale collectivist one, the land tenure of nations and nation states, of “territories” that that now constitute nuclear targets.

For others, the State was not embodied in “private property” in general or in “rent” in particular, as the first enemy of mankind, but in “interest.” To drive out this primary evil, this Satan, as seen by them, they believed that they had to aim at doing away with the State completely, even for volunteers. Thus again, they came away from voluntarism and often became even statist (although not as comprehensive ones as the totalitarian communists are) in order to liberate mankind from what they considered to be primary evils. There was no room for voluntarism in their scheme, and yet they still considered themselves “anarchists.”

But neither “equality,” nor “no property,” nor “abolition of private land or rent or interest” are primary anarchist ideals, even though some anarchists put them first. They are all deviations from the primary voluntaristic, associationist, autonomous, and individualist ideal, one of personal independence and sovereignty, one of contractual and voluntary association only, with individual secession or withdrawal always to be free after all rightful contractual obligations have been fulfilled.

Luckily, for the chances to realise this kind of voluntaristic anarchism, embracing anarchism for volunteers and anarchism for volunteers, peacefully coexisting, exterritorially, at the same time and in the same territory, we do already live in an age of freedom of action, of independence from the customs, rituals, and traditions of others, mostly in MINOR ways, but ways that are HIGH in the value scale of the average person.

This expresses itself for example in different choices of professions, of crafts and hobby activities, in various schools and practises of music, painting, fashion, architecture, plays, sports, dancing, diets, games, religious practises, memberships in various associations and clubs, etc. In all these spheres we have already largely become panarchistic anarchists.

To that extent the desired revolution or fundamental reform is already 90% ACHIEVED, and this with the consent of most conservatives and radicals.

(This did possibly result from our extensive migrations on this globe, and mixing in the past, which to some extent continues, although over regulated. This alone largely invalidates the claims of a “territorial imperative” as opposed to a “nesting” and “proximity” instinct among humans.)

Moreover, we mostly favor rightful and sensible experimentation (i.e., at one’s own cost and risk) in science and technology, in the arts, in private lifestyles, in business and at work (at least to some extent), and in intentional alternative communities.

Nevertheless, most of us have so far failed to GENERALISE AND INSTITUTIONALISE that kind of tolerance, experimentation, and practised diversity. We have failed to extend it into the most important and large spheres, especially those of politics and economics.

However, panarchists, as opposed to anarchists, did just that. Starting from the basic premises of the classical anarchists, they want to apply voluntarism, contracts, tolerance, and diversity in these spheres too; independent of the territorial location of individuals and groups; independent of the dissenting views of other and larger minority groups and even of majority groups living around and between them; and independent of current territorial constitutions, institutions, laws and jurisdictions and customs and practises.

Their aim is minority autonomy for all minorities, for archists and anarchists alike; autonomy for the largest majorities as well as for the smallest minorities and the absolutely smallest minority, the individual. For this they advance moral as well as utilitarian reasons; political, economic, and even military and pacifist arguments; and revolutionary and reformist ones as well.

They hold themselves to be consistent anarchists and consider those presently calling themselves anarchists to be still partly authoritarians.

Moreover, they hold that this panarchist approach is also the only moral and practicable way to achieve anarchism for all, IF AND WHEN THESE forms of social arrangements should ever become the preference of every single individual of age (however unlikely that may be).

Who is right, the modern anarchists who are relatively numerous compared with panarchists, or the panarchists? That question has not yet been settled. In fact, it has rarely even been raised. I raise it whenever I have the opportunity.

For panarchism to win—FOR EVERYBODY TO WIN HIS IDEAL FOR HIMSELF AND AT HIS OWN EXPENSE AND RISK ONLY—anarchists have to be won over first.

Once they have been won over, they will then CEASE TO ANTAGONISE and can BEGIN TO BEFRIEND their present opponents and begin a COMMON STRUGGLE with them against INSTITUTIONALISED INTOLERANCE, against the SUPPRESSION OF FREEDOM OF ACTION AND OF TOLERANCE in the most important social spheres: in politics and in economics.

Their close bond with their former enemies would then be an agreement on DOING ONE'S OWN THING and an awareness of the potential of voluntary and non-territorial autonomy. Their common enemies would be totalitarians, dictators, etc., and their fanatic followers. Often that would mean merely a narrow upper crust and their secret-police members.

Even towards these the aim ought to be not to exterminate them as PERSONS but merely to end their POWERS. Towards that aim, panarchists ought to combine, for example, outlawry and tyrannicide threats (while dictators persistently threaten “proletarians” with “proletarian nuclear weapons”) with amnesty, asylum, anonymity, and protection offers.

In such and many related defensive efforts, panarchistic anarchists could even cooperate with the best intentions of the better types of democratic governments, appearing as patriots rather than as traitors or terrorists. They could for example, become spokesmen for very important new allies for democratic governments; namely, for governments in exile that represent only volunteer groups without claims to territorial rule. They could advise democratic governments on many personal law solutions for large problems and trouble spots today, where there exists no territorial solution.

Yes, indeed, as panarchist anarchists they could become the friends and allies of many of the better governments, and could finally turn them into governments that are quite acceptable, even to them. Because these governments would only be accepted by volunteers,

dissenters being free to leave them, without having to leave their homes, native land, jobs, friends, and relatives.

In other words, consistent panarchists could use the opportunities provided by many of today's problems and trouble spots to act as friends and advisors to their own democratic governments, rather than acting as irreconcilable enemies of those governments. They can propose practicable methods (practicable because they are panarchistic) to settle the present wars and civil wars in and between other countries.

They can increase the defensive strength of each's own. They could rally friends and allies for attacked democratic governments from the ranks of the first victims of enemy regimes, who prefer being liberated to being forced to act as executioners and oppressors for others.

They can help democratic governments to reduce terrorism.

They can offer the only comprehensive program to overcome the threat of nuclear war or war with chemical and biological weapons.

Their experimental freedom approach holds the solution, or the road to the solution, to every social problem that can be solved.

Thus I do assert that Panarchism is very practicable indeed, and panarchists do not have to be afraid of democratic or dictatorial regimes to the extent that panarchists are not directly living under such regimes.

Panarchism can peacefully and educationally transform democratic regimes into panarchistic ones (truly democratic ones, with self-rule or popular rule for all, even minority groups).

It can expect the support of all aspiring politicians and of those temporarily out of office, whilst those in office, aware of their opinion polls, would not fear losing power altogether, but would know that they could retain it over their remaining voluntary supporters and voters, if they act no worse than they have so far.

Panarchism has the greatest potential to defeat the aggressive and oppressive regimes in other countries, possibly even with the support of democratic governments.

All that is needed is an understanding, acceptance, and application of panarchistic principles, which by their very nature tend to minimize opposition and friction (once they are understood).

But so far, these principles are so misunderstood that there is much opposition to them, and numerous misunderstandings persist even in anarchist and libertarian circles.

I am speaking to you in the hope of dissolving some of these, aware that it would require many more such efforts to fully convince you.

So far, I see in anarchists and libertarians the primary obstacle for the realisation of Panarchy. Only you could convince me that my impression is wrong.

I think I have by now talked enough on this and would rather engage with you in a discussion, now or at later opportunities, of your questions, doubts, and objections.

If I have offended you in any way, it was not intentional.

Remember, however you disagree with me, I want full liberty for you to practise your beliefs among yourselves, at your own risk and expense.

That ought to be at least a suitable platform for rational negotiations between us.

Further Notes on Panarchism and Anarchism

John Zube

What Panarchy means

Panarchy means:

No taxation without individual consent. (Replacement of taxes by prices, fees, and subscriptions.)

No dictatorship—unless it is wanted by the individuals involved.

No majority votes—except among volunteers and applying only to them.

No conscription.

No nuclear targets any longer.

No national borders and national enemies any longer.

No economic or political monopoly or privilege any longer.

Only those remain that are based on the unanimous consent of volunteers and that are practised at their expense only.

It would mean, especially, for our times:

No funds, soldiers, targets, motives and enemies for nuclear war but, rather, friends and allies everywhere, against a few remaining criminals and enemies of man.

Panarchy means a free market for politics and economics, for systems and ideologies, even including those amounting to anti-politics and anti-economics.

Each to his own choice. Each to be the master of his own fate and none to be master over the fate of others. That also implies that all their own free actions take place only at their own expense and risk.

Each would purchase, on the free market, whatever political or economic or insurance package deal he likes for himself, at competitive prices. Alternatively, he would provide such services cooperatively, charitably, or would receive them in this way. Consumer sovereignty in all spheres. This would mean even a free market for central planning efforts among central planners; for regulators, among those who like to be regulated; for despots, among those who like to subordinate themselves to them. Naturally, it also means anarchism for anarchists, not only archism for archists.

Panarchy means tolerance in the sphere of actions, also experimental freedom and unrestricted liberties and rights where they matter most, nowadays, in politics, economics, and social arrangements.

Panarchy opposes collective responsibility and all “weapons” which apply this “principle” quite wrongly, as, for instance, nuclear devices and all other indiscriminate mass extermination devices inevitably do.

Panarchy IS the only rightful and workable alternative for all. It is the proper framework for all attempts to do each his own thing differently.

What Panarchists can achieve

Panarchists have friends, neutrals, and allies everywhere—and very few fanatic enemies—because Panarchism favours exterritorial autonomy even for fanatic dissenters and all their followers, as long as they do apply their fanaticism only among themselves.

Panarchists feel and act as allies of all minorities, everywhere, that strive for autonomy, and no more. Thus their potential for solidarity with others exceeds that of all other ideological movements.

The various minorities between them do constitute the largest majority. Panarchism can mobilise their combined strength. It could exceed that of the present great powers.

Panarchists can act as spokesmen for all rightful aspirations and can thus make friends and allies everywhere.

Only panarchists can realize fully liberating liberation efforts, i.e., efforts that do not go beyond the degree of liberation that various people want for themselves. They let each advance at his own speed towards his own ideals, alone or in association with others

Panarchy as a-territoriality

Is man a territorial animal? He is rather an animal that forever seems to move to new territories, and even when he is settled somewhere, he still seems to roam a lot around his country or the world, time and funds permitting. He pursues his profession, hobbies, and interests regardless of and independent of others, in a relatively tolerant way.

Among the worst aspects of exclusive territorial rule over voluntary and involuntary members is that it channels progress only in one direction, that approved by politicians, bureaucrats, and the majority.

Imagine what would happen if we did the same regarding religion, philosophy, arts, science, technology, medicine, and agriculture!

It is simply absurd to make the realisation of innovations, in one's own sphere, dependent upon government or bureaucratic or majority approval.

A-territorial autonomy of volunteers would constitute the best kind of "propaganda by deed" of those who are nihilists towards "establishment" values and institutions. It would constitute anarchy in action.

Most people cannot be persuaded; they can only learn from practical examples that are not set in some foreign countries but right before their own eyes. Then curiosity and envy will do the rest.

Panarchism can realise what is rightful among the aspirations of terrorists and can thus turn them from their indiscriminately destructive and murderous activities into creative ones.

Even in family, friendship, and scholarly circles, people don't fully agree. How can we expect them to agree in whole territories? Let them

sort themselves out, individually, according to individual preferences, for TOLERANT experiments among themselves, self-realising the degree of liberty which they do want for themselves. Everything else, even when running under anarchistic slogans and banners, amounts to despotism.

Panarchy as Freedom

Panarchy is freedom of choice and choice of freedoms.

Freedom of expression and information are, to many, almost self-evident liberties. But they alone do not suffice for our purposes, as decades of rather fruitless anarchist agitation have demonstrated. They must be supplemented by freedom to act upon one's information, however limited and misleading it may be, at one's own expense and risk.

Freedom of action and experimentation are moral and useful not just in some limited and minor spheres, but in all. But they must be subjected to the primary requirement of voluntarism and individual choice. This implies freedom to join any and to secede from any group or system or organisation, even an anarchistic one.

Not just some licensed and limited autonomy is to be achieved as a moral and essential state of affairs, but full autonomy that is limited only by individual choice, which means non-territorial and personal law organisation and voluntary membership.

Any old or new ism, like any religious faith, is right for all its believers, and thus the believers should be free to practise it, among themselves.

Panarchists and Anarchists

The all too popular attitude among anarchists towards dissenters to the anarchist faith or conviction can be summed up with: no freedom for non-anarchists who disagree with our own notions of freedom. Organisational variations are only permitted to anarchists.

Anarchism, when proclaimed or implied in this form, amounts almost to a declaration of war against all others, and it does also disagree with its own original and primary notions of rights,

individualism, voluntarism, choice, tolerance, independence, consent, and equal liberty.

Anarchists want the State ABOLISHED, either by revolutions or by reforms or non-violent actions. Panarchists want to abolish only two of its most important and coercive features: territorialism and compulsory membership. They would leave the rest up to individual choice.

To anti-property anarchists, the idea that people ought to be free to “exploit” each other, if they want to, in a propertarian and contractual and free trading way, in their own voluntary associations and free contracts with outsiders, apparently goes beyond the imagination of fanatical enemies of property. They want to destroy it for all, even those who highly favour it among themselves. In this they are as totalitarian as those who advocate and insist upon either abstinence, or monogamy or polygamy for all.

They are blind to the understanding that a propertarian society permits all to pool and share, socialise, and combine their property and use it between them as they please.

They are also blind to the various free-market options for the acquisition of considerable private properties for all willing to work for them or use their current assets for this purpose.

Thus “robber-anarchists” might be a more suitable term for these “anarchists.” They want to establish their free and non-violent society by theft, ignoring, for instance, the lease and purchase options, and ignoring their savings and the future value of their own labour (which could be capitalised and used for purchasing enterprises). Thereby they rather prefer violence and bloodshed (associated with expropriations and occupations) to peaceful trade.

Since even anarchists cannot fully agree among themselves, even after discussions spanning at least 150 years, and can agree far less with others, their framework for the future ought to make possible the highest possible degree of autonomy for dissenters, even non-anarchists.

Such a framework is inevitably panarchistic and would offer to all kinds of anarchists the full chance to realise their particular ideal for themselves.

Anarchist enemies of Panarchism argue in practice, often unaware, AGAINST:

- a) an extension of freedom, cooperation, and competition
- b) maximising tolerance
- c) experimental freedom for all, in all spheres
- d) minority autonomy
- e) individual sovereignty
- f) individual secessionism or withdrawal options
- g) voluntary associationism
- h) the consent requirement
- i) freedom for individual choices

OR THEY ARGUE AS IF THESE IDEALS APPLIED ONLY TO ANARCHISTS!

In the political and economic sphere they want us to fill our shopping basket only with the same assortment of goodies that are “officially sanctioned” by the anarchist movement, or their particular section of it.

They are, often quite unaware, advocates of:

- a) territorial rule
- b) imposed laws (however few and anarchistic and informal these maybe)
- c) imposed uniformity (even if only the uniformity of an anarchist utopia)
- d) government (even if it is a highly limited and decentralized one)

In short, without being panarchists, they are not really anarchists.

