

Freedom and Democracy

By John Hospers

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The very word “democracy” in our time has become a term of commendation. Every system of government wants to call itself a democracy, even if it is actually a dictatorship. “Democracy” has become such a term of approval that to call something democracy is implicitly to commend it. Even communist nations whose governments are tyrannical to the core pride themselves on being “people’s democracies.” In non-communist nations such as the United States this tendency is equally evident: we hear of wars to defend democracy, and the need to “preserve the tradition of liberal democracy.”

Whether one is talking about the right to vote or the “need to share our resources,” people will use the word “democracy” to praise whatever political system or ideal they favor. The harshest criticism of any procedure is that it is “anti-democratic.” And yet it was not always so: even a hundred years ago in this country, to call a nation a democracy could be construed simply as a description, not an evaluation—sometimes even as a criticism. Almost nowhere is this any longer true.

Majority Rule

Democracy is rule by the majority. In a direct democracy, such as that of ancient Athens, or like the New England town meetings, every citizen can vote on every measure. In an indirect, or representative, democracy, each citizen can vote to elect representatives (Congress, Parliament) who then do the voting, and it is the majority of the representatives rather than the majority of the citizens themselves who determine the outcome.

Let us consider representative democracy, the only kind that is feasible in large nations. Several conditions have first to be spelled out before our description is complete.

First, in a democracy there are elections. But how often? Suppose there were an election only once in a hundred years. In such a “democracy” voters could not vote to change governments more than once in a lifetime. Clearly, elections must be fairly frequent, enough to give voters a chance to vote for new candidates.

Second, the vote must be rather widely distributed. If only one per cent of the population could vote, or only persons whose initials were R.Z., no election would represent the will of the majority of the people, no matter how often they were held. There are almost always certain restrictions on voting—e.g., minors cannot vote, convicted felons cannot vote while in prison, persons in mental institutions cannot vote and non-citizens cannot vote—but in the twentieth century at least there are many times more residents who can vote than cannot. Only after World War I could

women vote in the United States, and for many decades no blacks could vote, as they still cannot in South Africa.

Third, even if everyone could vote, and at frequent intervals, it would be to no purpose if there were no diversity of positions available to vote for (or against). In the Soviet Union people can vote, at least for some of-rices, but only for one communist candidate or another—non- communists are not permitted to be on the ballot. In other Eastern bloc nations, numerous political parties are permitted, but no one is permitted to be a candidate who is not officially approved by the government in power. Such a restriction on candidacy can have the same effect as permitting only communists to be candidates. In both cases, a wide diversity of preferences is ignored. If a democracy is to function at all, it must be possible for persons of whatever opinion to sponsor candidates for office and there must be means for getting them on the ballot.

Nor is even this sufficient. No choice by voters is meaningful unless that choice has at least the opportunity to be an informed choice; and this is not possible if all the channels of *publicity* are reserved for the officially sponsored parties. Electors must be able to find out all they need to know about the alternative candidates. If the government owns all the television and radio stations, and owns or controls the content of newspapers and magazines, the voter will not be able to receive an accurate impression of the choices available.

Even if the press is not owned by the government, if newspapers are censored or prohibited from expressing opinions contrary to those of the party in power, voting citizens will not be able to make choices on the basis of reliable information. If newspapers and the media are monopolized by one group or party, it is not possible for the groups which are denied access to the media to receive a fair hearing. And thus a controlled press is incompatible with democracy, and a free press essential to it.

There may well be other conditions, but these at least are indispensable if any system of government is to be called a functioning democracy.^[1]

Self-Government

Democracy is often spoken of as “self-government.” But if we treat this term with any care at all, it is clear that democracy is no such thing. I can govern myself, determine to a large extent the course of my life, curb my desire for immediate satisfactions in order to achieve long-range goals, and so on. And you can do the same with yourself. If ten people do this, each is governing himself or herself. But when people speak of democracy as self-government, they are not speaking about each person governing himself; they are speaking of a process in which a majority of voters, or a majority of members of a legislature, make decisions which have the force of law for everyone, including those who are opposed to what is enacted. It is true that each adult individual in a democracy can *participate* in determining who shall sit in the seats of political power—but only in a very small way, seldom enough to change the outcome of an election.

In any case, self-government means governing oneself; it is a mistake to extend this from an individual to a collection of individuals and say that via democracy the collection is “governing itself.” Democracy is simply government by the majority of a

collective (or the majority of the representatives the voters have voted for). Their decisions may not accord with the needs or wishes of you as an individual at all. To the extent that they exert coercive power over your life, you are being governed *by others*.

An individual, of course, may govern himself badly: he may make constant mistakes, may ruin his own life, may waste his years on useless projects or alcohol; but at least he is doing it to himself. A democratic government may also govern others badly. When inhabitants of a nation freed from colonial rule say, "At least we're governing ourselves," what they are saying is that instead of people from outside the nation ruling them, there are now people from inside the nation ruling them—and sometimes doing so far worse than their colonial masters did.

Objections to Democracy

The most usual, and most easily understood, objection to democracy as a form of government is that it enables the majority to ride roughshod over the rights of a minority—to persecute them, to censor their activities, even to kill them. A majority might vote to kill certain minority racial elements, or to make life difficult for them in many ways. If feelings run high and a majority knows it can get by with it, there is every temptation to vote into law whatever prejudices a majority may have. Is it inconceivable that a majority of Germans, had they voted on it, would have voted to do something (not necessarily death) to Jews? Certainly a majority of Americans for generations used the political means to keep blacks "in their place." When there is no criterion but majority rule, anything can become law, depending on what the whims of the majority are; it is like a ship without a rudder.

But a second, and even more telling, criticism of democracy is that the majority of voters will often vote for policies which turn out to be ruinous to *themselves*, though they do not see this at the time. Legislatures, responding to the voters who elected them, may vote billions of dollars for various schemes of welfare. Even though only a small part of the money ultimately reaches the poor for whom it was intended, the legislators continue to vote for more of these measures. If they don't, they are branded as "cold" and "unhumanitarian" (as if it were somehow humanitarian for A to take B's money and give it to C) and they won't get re-elected. But the voters rebel at the resulting high taxes, so the government resorts to increasing quantities of printing-press money, and the result of course is inflation. The consumer's dollars will no longer buy what they did before, and almost everyone is worse off than before. But they didn't see the causal connection between the measures they voted for and their resultant poverty. They didn't realize that if 40 per cent of their income went to finance the government, that was 40 per cent they couldn't use themselves, and yet that 40 per cent wasn't enough to finance the government projects which they themselves favored.

When they said "It's government money," they didn't realize that it was *their* money that was being taken from them to finance the projects they wanted. They didn't realize that money isn't like manna from heaven—that the government has no way of financing anything except by taking it from the people themselves. They didn't see that for every person who gets something for nothing there must be at least one other person who gets nothing for something. Even a superficial knowledge of elementary economics should have told them this much; but they didn't have even that elementary knowledge, so they voted themselves into disaster. Thus, beginning

in relative independence of government, they voted themselves into utter dependence on government, a result they had completely failed to foresee.

One may say, "Well, then they deserve it. They brought it on themselves." Perhaps so—but who is the "they"? The "they" is the majority. The minority, who warned against these consequences, and were only ridiculed for their efforts, certainly did not deserve such a fate; they knew well enough what would happen. But in a democracy they must suffer consequences along with the ignorant majority that favored the disastrous policies.

When Benito Juarez, the first president of Mexico, said, "Since people do not vote themselves into slavery, freedom flows from democracy as water flows from the hills," his words were doubtless eloquent and inspiring. But unfortunately they were not true; people *do* vote themselves into slavery.

Plato on Democracy

What, after all, is so great about a majority view? Does a majority's taste in art determine which art is best? Does a majority vote on Newton vs. Einstein determine which of their theories was right? Are the masses of mankind so imbued with political wisdom that the majority can always be trusted to make the right choices? On the contrary: the majority of people appear to be influenced more by a candidate's images than by his argument, and to become bored and uncomprehending when even moderately difficult points are discussed (such as the need for capital investment to bring about prosperity). Ignorance and confusion multiplied 100 million times are still ignorance and confusion. That is why Louis Napoleon characterized democracy cynically as "government of the cattle, for the cattle, by the cattle." And that is why Plato more than two thousand years ago spoke of democracy in the following manner:

Imagine this state of affairs on board a ship or a number of ships. The master is bigger and burlier than any of the crew, but a little deaf and short-sighted and no less deficient in seamanship. The sailors are quarrelling over the control of the helm; each thinks he ought to be steering the vessel, though he has never learnt navigation and cannot point to any teacher under whom he has served his apprenticeship; what is more, they assert that navigation is a thing that cannot be taught at all, and are ready to tear in pieces anyone who says it can.

Meanwhile they besiege the master himself, begging him urgently to trust them with the helm; and sometimes, when others have been more successful in gaining his ear, they kill them or throw them overboard, and, after somehow stupefying the worthy master with strong drink or an opiate, take control of the ship, make free with its stores, and turn the voyage, as might be expected of such a crew, into a drunken carousal.

Besides all this, they cry up as a skilled navigator and master of seamanship

anyone clever enough to lend a hand in persuading or forcing the master to set them in command. Every other kind of man they condemn as useless. They do not understand that the genuine navigator can only make himself fit to command a ship by studying the seasons of the year, sky, stars, and winds, and all that belongs to his craft; and they have no idea that along with the science of navigation, it is possible for them to gain, by instruction or practice, the skill to keep control of the helm whether some of them like it or not.

If a ship were managed in that way, would not those on board be likely to call the expert in navigation a mere stargazer, who spent his time in idle talk and was useless to them? . . . But our present rulers may fairly be compared to the sailors in our parable, and the useless visionaries, as the politicians call them, to the real masters of navigation . . . Democracy will promote to honor anyone who merely calls himself the people's friend.^[2]

A Republic

The government of the United States is not a democracy, and the Founding Fathers never thought of it as such. It is, rather, a *republic*.

A republic may be democratic in many of its procedures, but there are certain things it cannot do. In the constitution of a republic are contained certain *limitations* on what the majority may do. Thus, the First Amendment declares that Congress shall pass no law abridging freedom of speech or of the press. Even if a law banning freedom of speech were passed by Congress, it would be unconstitutional and presumably would be struck down by the courts.

In the same way, the Constitution provides for “due process of law,” protects citizens against search and seizure of property, entitles them to protect themselves against aggressors, and so on—and having these protections embedded in the Constitution gives all of us protection against measures that an ignorant or whimsical majority might enact. In short, the Constitution recognizes and protects *individual rights*—against their violation by other individuals, and by the government itself—whereas unlimited democracy may flout them with abandon, and with nothing between them and us to protect us against the ever-changing whims of the majority.

As James Madison wrote in *The Federalist Papers*, “A pure democracy can admit no cure for the mischiefs of faction. A common passion or interest will be felt by a majority, and there is nothing to check the inducements to sacrifice the weaker party. Hence it is, that democracies have ever been found incompatible with personal security or the rights of property; and have, in general, been as short in their lives as they have been violent in their deaths.”

What Kind of Republic?

What whims we are protected against depends, of course, on what kind of republic it is. It depends on what kinds of protection are written into the constitution; it also

depends on whether the constitution is actually followed in practice or is simply there for self-advertisement or window-dressing, like the constitution of the Soviet Union.

The best constitution is one which provides maximum freedom under a rule of law. Maximum freedom means freedom to live by one's own choices and not to live by the choices forced on one by others. But some choices that people make interfere with the freedom of others; some people choose to murder, to plunder, to steal the fruits of others' labor.

Such errant behavior is the reason why law is required. The first maxim of the law is: *Do not harm others*—whether those inflicting the harm are other individuals or the government itself. Law is required so that people may live in freedom, not having that freedom forcibly interfered with by the choices of others.

All this was certainly the intent of the Founding Fathers of the American republic. Such freedoms include, certainly, the *political* freedoms, such as the freedom of speech and press, freedom of peaceable assembly, and freedom from harm to one's person or property; they also include *economic* freedom, such as the freedom to start a new enterprise, freedom to sustain it by one's efforts (not to have it confiscated), and freedom to employ others or be employed by others on terms voluntarily agreed to by both; in short, the freedom of the market.

The Founding Fathers saw no reason to assume that a majority of citizens should have the final and deciding word on what bills should be enacted into law; decisions of such depth and complexity could not be left to the ever-changing whims of a majority. "No one imagines that a majority of passengers should control a plane. No one assumes that, by majority vote, the patients, nurses, elevator boys and cooks and ambulance drivers and interns and telephone operators and students and scrubwomen in a hospital should control the hospital. Would you ever ride on a train if all the passengers stepped into booths and elected the train crews by majority vote, as intelligently as you elect the men whose names appear in lists before you in a voting booth? Then why is it taken for granted that every person is endowed on his 21st birthday with a God-given right and ability to elect the men who decide questions of political philosophy and international diplomacy?"

"This fantastic belief is no part of the American Revolution. Thomas Paine, Madison, Monroe, Jefferson, Washington, Franklin, did not entertain it for a moment. When this belief first affected American government, it broke John Quincy Adams' heart; to him it meant the end of freedom on earth."³

And yet, things haven't quite turned out that way. As one observes the United States today, it often seems as if very little of the original republic remains, and that it has been gradually, sometimes imperceptibly, but nevertheless surely been transformed into the democracy that the Founding Fathers feared. How has this happened?

Election to Federal Offices

One important straw in the wind is the gradual transformation of the manner in which individuals are elected or appointed to high office in the federal government. Most people seem to assume that congressmen and presidents always came into

of-ice as the result of democratic elections. But the founders of our republic carefully framed it otherwise. Consider how it was when the republic was founded, and for many years thereafter, based on the original (unamended) Constitution:

1. The only exercise of majority rule in the federal government was the House of Representatives. The majority of voters were empowered to elect—and to recall in two years—the members of the House, the only body having the authority to spend the money collected from the people in taxes. (Voting was also much more restricted during those years.)

2. The Senate was not elected by the citizens. Its members—two from each state—were appointed by the legislatures of their respective states, according to rules determined by the states and not the federal government. The popular election of senators did not come about until the 17th Amendment, in 1913.

3. The president was not elected by popular vote at all. Article 2 of the Constitution reads, in part: “Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress . . . The electors shall meet in their respective states, and vote by ballot for two persons . . . They shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed . . .” It was done this way so that the president would not be subject to the whims of any section of the nation, but would represent the entire republic.

Today, of course, the president is elected by popular vote, and the Electoral College is an empty charade. This is yet another step toward emasculating the republic and instituting democracy. “And many a president in a time of crisis, since that right [freedom from popular election, hence from special interest groups] was taken away from his high office, must have silently cursed the amendment that plunges him to the neck in a mob of shortsighted, local- minded, clamoring men, clutching and pulling at him with a thousand hands. Today that Amendment does not let the captain of this ship of State make one clear decision unhampered by the ignorance and prejudices and fears of all the passengers on all the decks and all the men playing poker in the ship’s bar. An ocean liner could not be navigated for a day under such conditions.”^[4]

The Courts and the Republic

But that is only the tip of the iceberg. What has occurred in this nation, and only partly because of changes in the method of electing presidents and Congressmen, is an enormous *expansion of governmental powers*. When this republic was founded, the main purpose of the federal government was defense against aggression: police to defend citizens against internal aggression, and armed forces to defend them against external aggression. But since government, to discharge these functions, requires a monopoly on the use of physical force—or at least a monopoly on the power to say who will be entitled to wield that force—it is tempting

for a government, once installed, to use that coercive force in ways that were no part of the original plan. “Give them an inch and they’ll take a mile” was never more applicable than to the powers usurped by governments: power to regulate industry and agriculture, power to control and inflate the currency, power to seize the earnings of those who work and give them to those who do not—and so on endlessly.

“But the United States is a republic; and the republic’s powers are limited by its constitution. The Constitution does not mention any of these powers as being among those delegated to the federal government. The federal government is not constitutionally empowered to do any of these things.”

This is quite true. But the Constitution is interpreted by the courts, and the courts—particularly during and since Roosevelt’s “New Deal” have conspicuously failed to prevent the expansion of Federal powers. The result has been to sanction Federal interference in virtually every branch of economic activity, in which, as a republic, it has no place.

Interstate Commerce

For example, the Constitution empowers the federal government to handle “interstate commerce.” But the interstate commerce clause has been construed by the courts so as to permit all manner of activities never envisaged by the framers of the Constitution, such as “taxing North Dakota farmers to build flood control dams on a dry creek rising in the mountains of Los Angeles County, flowing through Los Angeles County, and discharging into the Pacific Ocean in Los Angeles County.”^[5] Interstate commerce has been construed to include the wages of men who wash the windows of buildings in which interstate trade is conducted. It has been construed to permit all manner of regulation of agriculture, such as regulating the kind and amounts of crops a farmer may grow. (The federal government has the authority to regulate that which it subsidizes, said the Court; but what gave it the authority to subsidize in the first place?) It has been construed so as to permit the government to set the price of natural gas at the well-head (the Phillips Petroleum Case of 1954), thus discouraging the search for new sources of natural gas and meanwhile encouraging consumers to be wasteful of gas because of the government-set low price. Indeed, it has enabled the government to create an energy shortage where in nature no energy shortage exists.^[6] These and thousands of other intrusions into the free market have been brought about by these court decisions, giving to the federal government tremendous regulatory powers never granted in the Constitution of this republic.^[7]

And yet, in numerous polls throughout the last decade, a majority of Americans appear to believe that what is needed are *more* controls, not fewer. The majority have no idea of the cost of these controls: the tremendously expensive and wasteful regulatory apparatus, the ball and chain it places on production, the countless men and women who *would* have helped to create a prosperous economy, who would (for example) have found natural gas and sold it at market price (and with greater abundance, the price would have come down). The majority see only that “we think the price is too high,” and vote to control the producers. And thus they kill the goose that lays the golden egg. The minority who see clearly enough what is happening are outvoted at the polls. Such is the course of democracy.

The General Welfare

The federal government has also assumed enormous powers through a distortion of the phrase “the general welfare.” In the first Congress, in 1789, a bill was introduced to pay a bounty to fishermen at Cape Cod, as well as a subsidy to certain farmers. James Madison said: “If Congress can employ money indefinitely to the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every state, county, and parish, and pay them out of the public treasury: they may take into their own hands the education of children, establishing in like manner schools throughout the Union: they may seek the provision of the poor . . . [all of which] would subvert the very foundations, and transmute the very nature of the limited government established by the people of America.”

And so Congress rejected the bill, and Thomas Jefferson said with relief, “This will settle forever the meaning of the phrase ‘general welfare,’ which, by a mere grammatical quibble, has countenanced the general government in a claim of universal power.” It is an irony of history that the Hydra that Jefferson thought he had laid to rest has within our own century grown a hundred new heads, each of them aimed at our liberty.

The Constitution read: “Congress shall have the power to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the defense and general welfare of the United States.” This meant that the national government could raise money *only* and spend money *only* to carry out its enumerated powers. They thought it ridiculous to construe two words “general welfare” as if they superseded the detailed enumeration of specific powers, rather than as merely summarizing them. The two words were always interpreted in the latter way by the Supreme Court during the first century and a half of American history. Their meaning, they held, could be changed only by amendment to the Constitution.

Yet today the amount of transfer payments—to promote “the general welfare”—takes up almost half the budget; more than that, if one includes all the entitlement programs. Moreover, the majority of Americans apparently consider all these things as their *right*. Those receiving money from the federal government now outnumber those who labor to sustain it. The resulting level of taxation, as well as national indebtedness, is causing the republic to hemorrhage to death in the name of the democracy.

Market Alternatives

Without the vast bureaucracy created through the regulatory agencies, free-market alternatives could be devised. For example, “Building codes and fire codes could presumably be replaced quite easily by privately enforced codes drafted by insurance companies. Few developers would construct hazardous firetraps if they knew beforehand that they could not acquire insurance for their buildings. And as Bernard Siegan brilliantly demonstrated in his ‘Non-zoning in Houston,’^[8] egregious, incompatible property uses will not often cohabit if land use regulations were summarily abolished. Restrictive covenants that run with the land, renewable at intervals of several decades, could very expeditiously insure that a slaughterhouse will not locate in the middle of Shaker Heights, Beverly Hills, or Boca Raton. If one were so unfortunate as to find one’s house suddenly within proximity of a noisome

chemical plant a remedy would lie in nuisance law, for no one has a right to use his property in such a way as to adversely affect another's enjoyment of his property."^[9]

Democracy vs. the Market

The only thing that can increase a nation's standard of living is greater *production*. And anything that inhibits that production makes the nation poorer. If a farmer or manufacturer has part of his output taken away from him for distribution to others, he will be less motivated to produce in the future. If he is regulated by men from the Department of Agriculture who tram-pie over his fields to determine how much corn he has planted, if the factory owner is regularly fined for trivial offenses that shouldn't be offenses at all (but are only contrary to rules set up by the government regulatory agency), he will sooner or later be forced into bankruptcy or to continue production under great difficulties (and higher prices). And if the government pays the farmer money to grow or not to grow crops, this increases the burden of every taxpayer in the land without any increase of production.

In a democracy, all such processes are easily sanctioned by popular outcries: "He's a profiteer—take it away from him." "He's getting too much—give it to us." People who haven't succeeded, or weren't willing to make the sacrifices he made, will do all they can to take it away from him after he has succeeded. A democracy easily becomes dominated by the morality of *envy*. A fickle mob, unaware of the facts of basic economics, but easily swayed by demagogues demanding as their right the fruits of the labor of others, can easily bring about the passage of laws which will inhibit production, destroy the free market, and in the end lead to such shortages and bottlenecks in production that they result, just as Plato said, in riots, calls for "law and order," and dictatorship.

Only a republic, in which the powers of the government are constitutionally limited, can avoid this fate. That is why the Founding Fathers were careful to create this nation as a republic, so that each person could determine his own destiny and not have it determined by others, whether by the tyranny of one (dictatorship) or of a few (oligarchy), or of many (democracy). "It is the blessing of a free people, not that they live under democratic government, but that they do not."^[10]

If the return to a republic is not achieved, Alexis de Tocqueville's prediction of a century and a half ago may yet come true: that the American government will become for its citizens "an immense and tutelary power, which takes upon itself alone to secure their gratifications, and to watch over their fate For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness: it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances—what remains, but to spare them all the care of thinking and all the trouble of living? . . . The will of man is not shattered, but softened, bent, and guided; men are seldom forced by it to act, but they are constantly restrained from acting; such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd."^[11]

Indeed, it is not difficult to make a case for the view that what Tocqueville predicted

has already come to pass. []

1. See S. I. Benn and Richard Peters, *Social Principles and the Democratic State* (London: Allen & Unwin, 1959), Chapter 15. Also published as a Collier-Macmillan paperback entitled *Principles of Political Thought*.
2. Plato, *The Republic*, translation by Francis M. Cornford (London: Oxford University Press, 1941), pp. 195-6.
3. Rose Wilder Lane, *The Discovery of Freedom* (New York: Arno Press, 1943), pp. 207-8.
4. Rose Wilder Lane, *op. cit.*, p. 203.
5. Newton Garber, *Of Men and Not of Law* (Greenwich, Conn.: Devin-Adair, 1962), pp. 13 ff. See also Philip Kurland, ed., *The Supreme Court and the Constitution* (University of Chicago Press, 1960), and the recent book by Henry M. Holzer, *Sweet Land of Liberty?* (Costa Mesa, Calif.: Common Sense Press, 1983), for many other examples.
6. On the so-called energy crisis, see for example C. V. Myers, *Money and Energy* (Darien, Conn.: Soundview Books, 1980), and Lindsey Williams, *The Energy Non-Crisis* (Wheatridge, Colo.: Worth Publishing Co., 1980).
7. Dan Smoot, *The Business End of Government* (Belmont, Mass.: Western Islands, 1973), p. 83. See also Alan Stang, *The Oshacrats* (from the same publisher).
8. Bernard Siegan, "Non-Zoning in Houston," *Journal of Law and Economics*, Vol. 13 (1970); and *Land Use without Zoning* (Lexington Books, 1972, Chapter 2).
9. Ellen Frankel Paul, "On Three 'Inherent Powers of Government,'" *The Monist*, Vol. 66 No. 4 (Oct. 1953), pp. 539-40.
10. Richard Taylor, "the Basis of Political Authority," *the Monist*, Vol. 66 No. 4 (Oct. 1983), p. 471. See also Richard Taylor, *Freedom, Anarchy, and the Law* (Prentice-Hall, 1973).
11. Alexis de Tocqueville, *Democracy in America*, pp. 579-80 of the edition edited by Henry Steele Commager, 1946.

